

SPRING 2006

PERSPECTIVES

WESTERN NEW ENGLAND COLLEGE SCHOOL OF LAW

IT TAKES A
LAWYER
TO CHANGE A
CULTURE



**Dennis Donovan '79 and the
Human Resource Transformation at The Home Depot**

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Moot Court



National Moot Court Team members (l to r) Justin Lavelle 3L, Cynthia Sun 3L, and Heather Orkney 3L

School of Law Hosts National Moot Court Competition

Western New England College School of Law hosted the National Moot Court Competition for Region I in November, 2005. Teams from nine law schools from throughout New England took part in this round of the national competition, which is sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers. Professor Bruce Miller, adviser to our Law School team, served as the director of the regional competition.

This year teams argued a hypothetical case involving a series of safety regulations adopted by a town in the wake of several roller coaster accidents at local amusement parks. Initial arguments were held at the School, with the semi-finals and finals at the federal courthouse in downtown Springfield. Teams representing Boston College, Boston University, Quinnipiac University, Roger Williams University, Southern New England Law School, Suffolk University, University of Maine, Vermont Law School, and Western New England College participated, with the teams from Vermont and Roger Williams advancing to the national finals. Federal and state judges, along with prominent attorneys from Massachusetts and Connecticut, served as judges for the competition.

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IT TAKES A LAWYER TO CHANGE A CULTURE

Dennis Donovan '79 and the Human Resource Transformation at The Home Depot

In just five years, change agent Dennis Donovan, Executive Vice President, Human Resources, has leveraged the power of human capital to help transform The Home Depot, Inc. into a model of efficiency and profitability.

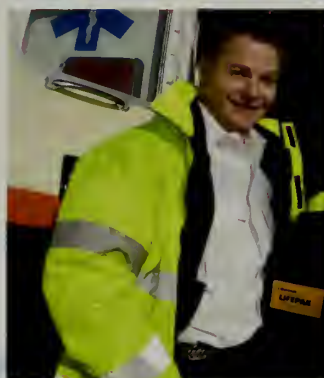
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CRIMINAL PROSECUTIONS IN THE AMUSEMENT INDUSTRY —Is There a Trend?

Assistant Professor of Law William G. Childs explores the "growing threat" of criminal liability in several high profile cases involving amusement park accidents.

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STUDENT SPOTLIGHT Rob Luckritz 3L

The day after Hurricane Katrina hit the Gulf Coast, paramedic Rob Luckritz was in the middle of what he calls a "life changing experience"—caring for hurricane victims from his medic base at New Orleans International Airport. Learn why he is studying law to support the profession he loves.

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ALUMNI PROFILE Robert Kelly '80

From elementary school Principal to counter-narcoterrorism expert, read how Bob Kelly has used his legal education as a passport to a career with more unexpected turns than a Robert Ludlum thriller.

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Uniform Real Property Electronic Recording:

Coming Soon to a Computer Near You

How often have you stood in line at the Registrar of Deeds Office, idly waiting when you could have been doing something much more productive? While in line, you may have thought that, surely, in this day of electronic marvels there ought to be a way of sending your deed or mortgage to the registrar electronically from your office computer. Well, that day is coming.



For two years I had the privilege of serving as the Reporter on a NCCUSL (National Conference of Commissioners on Uniform State Laws) committee drafting the Uniform Real Property Electronic Recording Act. The committee finished its work and obtained approval of the Act by the entire Conference on time for it to go to the state legislatures for their 2005 legislative sessions. At the time of this writing, the Act has already been adopted in five jurisdictions and has been introduced in seven other state legislatures, where it is moving its way through the enactment process.

Why is a uniform act (or any special enactment) necessary for a recorder to accept documents electronically? There are several reasons, but foremost among them is the fact that the recording acts existing in the various states were initially adopted at a time when the only means of creating a record of a transaction was on paper. Consequently, those acts clearly envision the subject of a recording being a written paper document. Beyond that, these acts, expressly or by interpretation, require that the document be an original, which can be a problem with some kinds of electronic documents.

What the Act does is clarify state law so that a registrar may receive and record an electronic document. It provides that if any existing state law requires, as a condition for recording, that a document be on paper or in writing, an electronic document satisfying the provisions of the Act will comply with the previously existing statute. An electronic

document is one that is received by the registrar in an electronic form. This includes one that was originally in an electronic format as well as one that is an electronic copy of an original paper document. Thus, an electronic copy of a paper document satisfies any requirements in state law that the recorded document be an original document.

If existing state law requires, as a condition for recording, that the document be signed, an electronic signature satisfies that requirement. Further, if existing law requires that the document be notarized, acknowledged, or verified, an electronic signature of the verifying person satisfies state law.

The Uniform Law is really an enabling act—it allows electronic documents to be recorded electronically, but it does not mandate it. In my view, although it will become common to draft and record documents electronically over the next several years, it will be quite some time until everyone is comfortable with that format and uses it.

Rules for Recording

The second major aspect of the Act sets up a number of rules for recording and searching for electronic documents. One of the more interesting and important of them requires the registrar to maintain the index for electronic documents and paper documents as a single index. If paper and electronic documents were indexed separately, the searching process would not be shortened and might be extended by

Message from the Dean

the need to search through two separate indices. The Act also allows, but does not require, the registrar to convert paper documents, whether recorded prior to or after the enactment of the Act, into an electronic format. Although such a conversion can be costly, it will make possible the viewing of all documents online in an electronic format. Finally, the registrar is allowed to enter into agreements with other county or state officials on procedures to receive documents or payments that must be filed in two or more offices. Thus, for example, past due real estate taxes could be paid along with the recording of a deed or mortgage.

The last part of the Act creates a statewide electronic recording commission. Its purpose is to establish and enforce uniform standards for recording electronic documents. Its job is not only to promote uniformity within the state but also, to the extent appropriate, promote harmony and uniformity among the states that adopt the Act. In essence, what this cross-state harmony provision recognizes is that real estate transactions are no longer truly local in nature. Not only are buyers and sellers frequently residents of another state, but the financing of the transaction, particularly in the secondary mortgage market, is often from out of state. Differences in recording processes among the states that are not necessary can impair these transactions and put stresses on interstate commerce.

For me, the experience of being a Reporter on a Uniform Law was a truly enriching one. I saw attorneys experienced in real estate matters from California to Vermont and from Texas to North Dakota work together to "hammer out" difficult provisions. I also saw the interaction of lawyers with recorders, notaries public, bankers, mortgage lenders, and title insurers. The interests of all were seldom singular, but in the end, it was possible to draft a law that was not only acceptable, but also welcomed by all. ♦



Dear Alumni and Friends,

The School of Law is approaching the end of one of the most exciting years in memory. The implementation of our historic three-section day program has exceeded our expectations. The reviews from students and faculty are positive and our admissions office is busy reviewing a very robust group of applicants for next year's class.

The LL.M in Estate Planning and Elder Law, which we launched last August, has been exceptionally successful. The demand for this program went beyond our hopes and we started the semester with nineteen highly energized new LL.M. students. In fact, we received such a large volume of qualified candidates that we had to form a waiting list. We are anticipating even further growth in the program this fall. Professor Fred Royal, the Director of LL.M Programs, will monitor this growth very carefully. We want to ensure that the program continues to develop in a way that provides its graduates with the expertise needed to serve the growing number of baby boomers in the areas of estate planning and elder law.

The Law and Business Center for Advancing Entrepreneurship has also had a wonderful start. Aimee Griffin Munnings, the Center's director (and a School of Law graduate), has developed an exciting speaker series to showcase the Center to the greater Springfield and the law and business academic communities. Law students are receiving practical, hands-on training with actual clients. The involvement of Business School students in the program is an added benefit to our students because that model helps to develop transactional skills they will need when they are practicing on their own. In conjunction with the School of Business, we also have hired a new professor, Robert Statchen, who has a joint appointment in both the Schools of Law and Business. He will teach both law and business students in the Center's programs.

Finally, I want to remind those alumni whose class year ends with a "1" or a "6" that next fall is time to join your classmates at the Western New England College School of Law reunion. This year, Reunion Weekend will be Friday and Saturday, October 13th and 14th. As in the past, we will be holding the Reunion Dinner and Reception on Saturday, the 14th, at the Naismith Memorial Basketball Hall of Fame on the Connecticut River front. I look forward to seeing all of the celebrating alumni and their friends.

Sincerely,

Arthur R. Gaudio

Arthur R. Gaudio
Dean and Professor of Law



DENNIS DONOVAN '79 AND THE HUMAN RESOURCE TRANSFORMATION AT THE HOME DEPOT



IT TAKES A LAWYER TO CHANGE A CULTURE

By Mary Mazzaferro





IF Change Management is the new mantra of corporate America, Dennis Donovan is its guru. In just five years, Donovan and the leadership team at The Home Depot have leveraged the power of human capital to transform the "Big Box" retail giant into a model of efficiency and profitability that has made organizations from AARP to the U.S. Army eager partners.

His title of "Executive Vice President, Human Resources" does not begin to define Donovan's role in The Home Depot corporate culture, one that he has helped to restructure from the ground up.

His work is widely recognized. Donovan was named 2003 HR Executive of the Year by *HR Executive* magazine. He gave the keynote speech at the White House for the inaugural meeting of the government's Chief Human Capital Officers. He is a Fellow in the National Academy of Human Resources and has participated on numerous boards and committees for such organizations as Jobs for America's Graduates, Inc. (JAG), the Human Resource Institute, the U.S. Council for International Business, the Human Resources Policy Association, and the Center for Advancing Human Resources Studies.

Like any great change agent, Dennis Donovan draws readily from the sum of his experience to shape the business architecture he advocates today.



"I've worked 'change' in organizations all around the world—Asia, the Middle East, Europe, and Latin America. I've had my nose in a lot of tents. And I was lucky to have been in the right place at the right time."

Donovan outlines his architecture for driving "quantum" change as, "The starting point is linking change with competitive advantage. If competitive advantage is the end game, change is the common denominator. Organizations that change effectively win; those that don't lose. That's **Step One** in the change architecture.

"**Step Two** is to think about what it takes to be competitive. Traditional organizations will only think about being number one or two in their marketplace. Contemporary organizations understand that you need leadership, not only in the marketplace, but also in the workplace and in the community. When I say

'community,' it means the media, the government, and the public. Those three sectors—marketplace, workplace, and community—are inextricably linked.

"In order to mitigate risk and exploit opportunities in the marketplace, workplace and community, you need a planning process—that is **Step Three**. Basically, there are three legs to the stool of an effective planning process—strategic planning, operating planning, and human resource planning.

"**Step Four** is figuring out how to implement those plans. There are four levers that you pull as a leader to execute strategic operating and human resource plans. The first lever is 'direction.' Direction is about gaining understanding, commitment, and accountability throughout the entire organization.

"The second lever is 'people'—building a high-performing, diverse workforce.

"The third lever is 'process and systems.' In any organization, especially large companies like ours, you really need process capability and enterprise technology solutions.

"The last lever is 'structure'—designing an organization to enable direction, people, processes, systems, and structure to work together effectively.

"In **Step Five** you forward integrate change to customers and partners, and backwards integrate change to suppliers."

This architecture reflects Donovan's career-long penchant to look beyond what his job description required to be a catalyst for Big Picture improvements. He has found his legal education to be an integral component in his approach to human resource management as he rose through the executive ranks at General Electric to

Vice President of Human Resources for its Power Systems business unit, and as Senior Vice President, Human Resources, for Raytheon Company before joining The Home Depot in 2001.

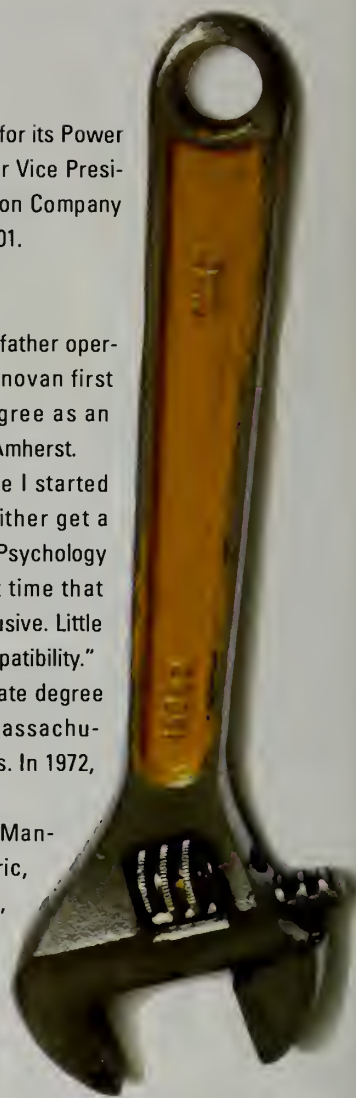
Building on a Legal Foundation

A native of Gardner, MA, where his father operated a hardware store, Dennis Donovan first considered the value of a law degree as an industrial relations major at UMass Amherst.

Recalls Donovan, "That's where I started having an idea that I wanted to either get a Ph.D. in Industrial and Organization Psychology or a law degree. I thought at that time that these areas would be mutually exclusive. Little did I realize that there is a lot of compatibility."

After completing his undergraduate degree in business at the University of Massachusetts, he began his graduate studies. In 1972, he was hired at GE in Pittsfield, MA.

"I was in the Human Resource Management Program at General Electric, which was a real opportunity for me, because a lot of the areas in human resources have a legal foundation—staffing, compensations, benefits, employment practices, and labor relations."



Despite his youth, Donovan moved quickly up the corporate ladder. "My third job at General Electric in the Human Resource Management Program was in labor relations. I was the negotiator with two of the unions in Pittsfield. I started out in the Defense business with General Electric, and I just loved it. Collective bargaining, contract administration, labor disputes, strikes as well as arbitrations, and litigation were highly appealing to me—and in these areas a law degree is highly beneficial."

With the support of GE, Donovan enrolled in the part-time evening program at Western New England College School of Law.

"I worked all day in labor relations and I was involved in contract negotiations, arbitrations, strikes, and in cases before the National Labor Relations Board. At the same time, I was going to law school. So this was just a real treat.

"Law school became incredibly relevant for me. Evidence, contracts, and procedure all had tremendous relevance to what I was doing in the workplace. I got even more excited when I was able to take the employment law and labor law classes. So I really looked forward to it. It was fun, and I was taking what I learned every day and applying it in the workplace. I was promoted to chief labor relations negotiator in Pittsfield for all of GE's operations there while I was still just finishing law school."

Driving an hour and a half one way to class, Donovan found his carpool a natural extension for classroom

A CHANGE AGENT FINDS A HOME



Photo: Gerry J. Gilmore

(L to R) Dennis Donovan, Executive VP, Human Resources, The Home Depot; Secretary of Veteran Affairs Anthony Principi; Secretary of Labor Elaine Chao; Under Secretary of Defense David S.C. Chu; and Robert Nardelli, Chairman, President and CEO, The Home Depot, announce an agreement to provide employment opportunities for veterans at the National Press Club in Washington, DC, in September 2004.

When Bob Nardelli, former President and CEO of GE Power Systems, took over the helm at The Home Depot, he had big shoes to fill replacing the company's revered founders Bernard Marcus and Arthur Blank. He turned to his former colleague from GE, Dennis Donovan, as one of his first hires and put HR center stage of the company's visionary transformation.

Their many successful initiatives include:

- Developing a centralized purchasing model—Bob gave Dennis and the team 90 days to complete this unusual first assignment for an HR executive;
- Putting an HR manager into every store in the chain (1,300 in just 12 weeks), freeing store managers to focus on product knowledge and customer service;
- Instituting a 24-month Store Leadership Program which trains new hires in stores and at forums taught by senior managers, including the CEO. In 2005, *Chief Executive* magazine recognized The Home Depot as one of the "Top Ten Companies for Leaders";
- Organizing mass hiring career forums to leverage the more than 17 million applications the company receives per year;
- Creating 20,000 new jobs annually; there have been more than 120,000 new jobs created since Donovan's arrival;
- Adopting Six Sigma quality programs into the retail arena;
- Recruiting 550 Junior Military Officers (JMOs) into the Store Leadership Program to capitalize on their intensity, leadership, and reliability;
- Working with the Departments of Labor, Defense, and Veterans Affairs in Operation Career Front to provide employment opportunities for 13,000 veterans (in 2004 Home Depot was ranked by G.I. Jobs #1 among The Top 25 Military-Friendly Employers);
- Accommodating the needs of employees who are active duty, reservists, or guardsmen by equalizing pay and extending health benefits;
- Hosting leadership seminars for U.S. Army brass through the Army Strategic Leadership Initiative;
- Establishing a hiring partnership with the ASPIRA Association, Hispanic Association of Colleges and Universities (HACU), National Council of La Raza (NCLR), and SER-Jobs for Progress National;
- Developing a staffing partnership with the AARP that taps this highly reliable and skilled workforce, and provides a commercial opportunity in merchandising, marketing, and sales for the company; and
- Growing revenues in the first four years by \$27 billion.

"What I really like to do is change organizations"

Dennis Donovan '79,
Executive Vice President, Human Resources,
The Home Depot, Inc.

STEP 1:
Link change with
competitive advantage.

STEP 2:
Think about what it takes
to be competitive.



Dennis Donovan appeared on a panel during the Senate Sub-committee on Employment and Workplace Safety's "Enhancing Cooperation Between Employer and Guardsmen/Reservists" hearing in October 2005.

debate. He says, "We had an interesting carpool. There was someone who worked in legal aid, someone that was a social worker, someone in the state police who was teaching criminology at the state police academy, and me. Four of us were in the carpool together, which made for interesting discussions on the way to school and back. Every drive seemed like moot court competition.

"What I really enjoyed about the faculty was that they had practical experience. They were not only academics—and that's fine to be an academic—they were also great people. It was really special to have someone who not only had the academic perspective, but also the practical experience to bring into the classroom."

According to Donovan, he created "a bit of a stir at the School."

He says, "I finished the four-year program in three and a half years so I took the Bar in February and there was evidently some concern—'how can this guy be working full-time and complete the whole program in three and a half years?' I took courses in the summer and overloaded on classes during the regular semester. I think I handled it just fine."

After graduation, Donovan was promoted to head GE's labor relations in Pittsfield.

He recalls, "I took on an unusual assignment where they allowed me to work the labor and employment law side at the same time I was doing the labor relations role. On the legal side, I worked with the general counsel. He gave me a lot of leeway on the cases. I was doing arbitrations and cases before the National Labor Relations Board—unemployment hearings—union organizing drives—so it was just terrific.

"I got to a point where I had to decide if I was going to practice law—either inside or outside of GE on a full-time basis—or if I was going to work in HR full-time. I made the decision to make human resources my career, believing I can keep my finger in the legal pie if I go into human resources because I'll still have labor relations and employment disputes, etc. I thought this would significantly increase my career bandwidth."

Thinking Outside the "Big Box"

Throughout his career, Dennis Donovan has found a legal mindset an asset in the corporate world. He observes, "You approach problems analytically. My team provides HR support for 345,000 employees. In such a large workforce, I have every



aspect—international relations, compensation, benefits, staffing, learning, performance management, leadership development, compliance management, organizational effectiveness, medical and health, and executive education.”

Through the rigors of a legal education he asserts, “You’re able to take large amounts of data, whether this is in a business acquisition or litigation—and synthesize it down to those things that are really critical to your success or failure. The result will normally turn on those four or five things that you really need to think through analytically— then quickly determine strategy, tactics, and contingencies.”

He added, “I really learned how to write when I went to law school. I’ve found that I’m a real bugger with people who work for me on how to organize their thoughts to not only be informative, but also persuasive and succinct.

“As a lawyer, you have to organize your thoughts; and be quick on your feet. You never lose that in your career; you really hone this ability in your legal training.

“I tell people, ‘Law school’s great. Even if you don’t want to be a lawyer,’ It’s just a great background, and it will help you in life with everything you do—professionally and personally.”

For law students considering working in the human resources field, Donovan offers this advice: “You need the ability to do research so you have a body of authority that guides you in decision-making, to organize your thinking so you can express yourself—orally and in writing. People rely on your judgment because you provide effective advice and counsel. That’s not just in a corporation, that’s pretty much true in any job.

“I’ve found the most effective attorneys are not the people that can tell you all the things you can’t do... they’re people that listen intently and try to find solutions to get you where you want to go, even though it may take you down a different path.

For Dennis Donovan, who grew up helping out in his Dad’s hardware store, the career path less traveled by lawyers has led him to find a home in human resources. ♦



The Home Depot, Inc. @ a Glance

- World’s largest home improvement retailer
- Second largest retailer in the U.S.; third largest retailer in the world.
- 345,000 employees
- More than 200,000 stores
- 1.3 billion transactions a year
- \$73.1 billion in sales FY2004

STEP 3:
Have a planning process.

STEP 4:
Figure out how to implement those plans.

STEP 5:
Forward integrate change to customers and partners, and backwards integrate change to suppliers.

“Law school is great. Even if you don’t want to be a lawyer...it will help you in life with everything you do professionally and personally.”

New Partnership Helps Make the American Dream a Reality

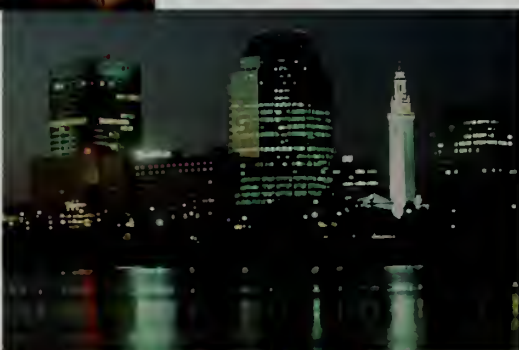
Law and Business Center for Advancing Entrepreneurship

By Germaine Marie Lang



The Law and Business Center for Advancing Entrepreneurship was realized through the efforts of (L-R) School of Business Assistant Dean of Graduate Studies Dr. Harlan Spotts, Center Director Aimee Griffin Munnings, Associate Dean for Academic Affairs Professor Eric Gouvin, and Center Assistant Maegan Brooks 2L (not pictured Dr. James McKeon).

Owning your own business is a part of the American Dream. Pursuing this dream has made Springfield, Massachusetts one of the fastest growing cities for entrepreneurship in the country. In fact, it was ranked third out of 394 regions for being "the most active in creating new firms, supporting the growth of those firms, and building a strong base of support for entrepreneurs," as stated in the Innovations-Entrepreneurship NEXUS.



According to Dr. Harlan Spotts, Associate Professor of Business and Assistant Dean for Graduate Programs at the School of Business, "The reality of western Massachusetts is that many of the large companies have moved or have significantly changed the structure of their businesses. As a result, people have either followed their jobs, or stayed and started their own companies. It is these types of life changing situations that are creating the momentum for the shift toward entrepreneurship in the Valley."

Western New England College has supported community economic development efforts for several years, primarily through the School of Law's Small Business Clinic and through projects coordinated with the School of Business. When Eric Gouvin, Associate Dean for Academic Affairs and Professor of Law, observed that many of the clients in the Small Business Clinic had a combination of business and legal issues, he was inspired to expand the Clinic's role. He teamed up with colleagues in the School of Business to offer both legal and business consulting through the clinic. Gouvin, along with business faculty Dr. Spotts, and Dr. James McKeon, work together to advise students in the Small Business Clinic. This collaboration is an outgrowth of their work on the combined JD/MBA program, which gives students an important credential that is a significant advantage in the corporate arena.

As the Small Business Clinic took root and won acclaim from students, clients, and other support organizations, those involved decided to take the law and business collaboration one step farther. Seeing a growing opportunity for the College to nurture these businesses, they established the Western New England College Law and Business Center for Advancing Entrepreneurship.



(Left) Dr. Spotts observes a typical student consultation.

(L to R) Keynote Speaker at the Academic Conference, Richard Walker III; Director for the Law and Business Center, Aimee Griffin Munnings '03; and Social Entrepreneur Bill Strickland



Working together, Gouvin and Dr. Spotts leverage the resources of their schools, connecting knowledge and entrepreneurship to advance economic development.

The Center is presently housed in the Scibelli Enterprise Center in Springfield. The location provides close proximity to the facility's entrepreneurs and is easily accessed by start-up business owners inquiring about services. It also offers resources for Western New England College's Small Business Clinic, such as a conference room equipped with video cameras to record student/client meetings for future critiquing by faculty advisors.

Initially funded by an anonymous grant, the Center opened in the fall of 2005. It enhances current alliances in the community and provides a forum for new partnerships to develop. The Center will focus its efforts on performing services for clients on both the legal and the business fronts, and also on providing learning opportunities through workshops, speaker series, and conferences. The Center also hosts a resource center where potential clients can walk in and learn about the issues facing small businesses.

The Center's Director, alumna Aimee Griffin Munnings '03, has been committed to small business development in greater Springfield for nearly a decade. She participated in the first Small Business Clinic and thinks the experience was the most relevant one she had while pursuing her law degree. She believes bringing Western New England College and its surrounding community face to face is vitally important to economic development in the region.

In February 2006, the Center held an open house that invited members of the business and legal communities, public officials, students, faculty, administrators, and entrepreneurs to visit the facility. A panel of intellectual property law experts including Steven Wheelock '98, Michelle Bugbee '00, and Pamela Chestek '00, led an interactive discussion about how entrepreneurs can legally protect their creative output and innovations.

Learning at the Intersection of Law and Business

The Small Business Clinic, one of five clinics associated with the School of Law, is the cornerstone program of the Center. The Clinic pairs students from the Schools of Law and Business to offer legal and business consultation to small businesses in the area. Areas of expertise include legal advice in corporate and commercial law as well as business advice on marketing, human resources, and competitive analysis. This combination of resources differentiates this Clinic from others around the country.

Potential clients go through an application and review process to determine their eligibility. Once selected by the director of the Center, a team consisting of two law and two business students interviews clients. They conduct a thorough business analysis to determine the areas of greatest need.

The students work on their respective tasks throughout the course, meeting with their faculty advisors and maintaining journals and time sheets as though they were practicing lawyers and business consultants. At the final client meeting, students present their finished project, be it a contract, employee handbook, or marketing plan.

Gouvin believes that "Learning to deal with clients while still in school is invaluable because the training that was once available in law firms has changed considerably as the economics of law practice has made it more and more difficult for practicing lawyers to spend time training new associates." Clients benefit by receiving free, high-quality, expert advice usually reserved for larger companies with bigger budgets. The satisfaction students get from helping people realize their dreams is an invaluable part of this unique learning experience.

The AACSB International Accreditation of the School of Business and the ABA Accreditation of the School of Law ensure the high quality of the clinic's consultation.

In addition to the Small Business Clinic, the Center offers a range of programs, including:

- The Speaker Series of free public lectures at the School of Law, focusing on entrepreneurship and economic development issues. Social entrepreneur, Bill Strickland, launched the series in January with his talk on "Building Enterprise to Empower Community." Other recent topics included "Achieving the Bottom Line: A Framework for Corporations Seeking to Deliver Profits and Public Services;" "Oppression of LLC Members;" and "Building Business from a Base of Strength."
- The Academic Conference entitled "Issues in Community Economic Development" which was held on March 24. The outstanding roster of panelists and speakers made this event essential for anyone interested in new business development and economic renewal in the Pioneer Valley.
- The Extreme Business Makeover to be held on June 15, which will showcase a reworked business plan submitted by a local entrepreneur. The panelists will use their expertise to transform it into a finished product, which will be unveiled at this event.
- The Workshop Series featuring short programs addressing topics of interest to entrepreneurs.
- A referral network of attorneys and other professionals who are willing to take cases at a reduced fee or as a pro bono basis for the businesses the Center cannot place in the Clinic.
- More than just a physical space, Munnings sees the Law and Business Center as symbolic of the College's role in inspiring new business development. She says, "It is less of a 'center' than it is a catalyst for change in the community. It brings people together and infuses hope and opportunity into the surrounding area." ♦

Learn more about the Western New England College Law and Business Center for Advancing Entrepreneurship and upcoming events at www.wnec.edu/lawandbusiness.

CRIMINAL PROSECUTIONS IN THE AMUSEMENT INDUSTRY

is there a TREND?

by Bill Childs

Assistant Professor of Law



Millions have enjoyed amusement park attractions for over a century. When an injury or death occurs on such attractions, people most frequently file a civil lawsuit. In the past 20 years, however, criminal prosecutors increasingly have become involved, and some commentators suggest that there is a “growing threat” of criminal liability in the industry. After providing a brief history of these recent prosecutions, I discuss several factors to weigh in deciding whether these prosecutions represent a trend.



THE PROSECUTIONS

MAY 11, 1984

GREAT ADVENTURE HAUNTED HOUSE FIRE

The earliest modern criminal prosecution involving amusement attractions arose out of "the notorious fire of May 11, 1984" which took the lives of eight young people in the "Haunted Castle" at Six Flags Great Adventure. The attraction consisted of 17 trailers connected together behind a castle facade, filled with typical haunted house features. Early that May evening, a fire broke out, likely caused by a patron's cigarette lighter igniting highly flammable foam rubber. At the time, four employees and 16 visitors were inside the attraction. Eight died in the 2,000 degree fire, all found in a single trailer.

Township officials had inspected the attraction at the start of the season and found that it complied with the building code, which, because the attraction was a "temporary structure," did not require, for instance, smoke detectors or a sprinkler system. Reports indicated "deteriorating conditions" at the Castle, with an employee writing "forget it, too numerous to mention" on a safety report the year prior, and employees evidently staging a walkout.

In "the first [case] in New Jersey and one of the first in the country" in which companies in any industry had been charged criminally with homicide, prosecutors charged two Six Flags corporate defendants with aggravated manslaughter and two members of management with manslaughter. The grand jury also considered charges against, but ultimately did not indict, officials of Jackson Township, issuing a presentment criticizing the township for being "slipshod and ineffective" in enforcing the state's code.

The criminal trial of the corporate defendants lasted for two months. In closings, the prosecutor described the park's management as "indifferent, reckless, greedy, and callous" in their decisions not to install sprinklers or smoke. The defense, on the other hand, conceded that the park was wrong in believing that their efforts had been sufficient to prevent a fatal fire, but focused on the park's good faith efforts and the state's failure to meet its burden of proving conscious disregard of the known risk. The jury acquitted the corporate defendants in July 1985. The individual defendants entered a pretrial intervention program; after completing that program, the indictments were dismissed. Neither individual admitted any wrongdoing.

MARCH 19, 1998
AUSTIN-TRAVIS COUNTY LIVESTOCK
SHOW & RODEO IN TEXAS
REVERCHON HIMALAYA

Fifteen-year-old Leslie Lane was ejected from a spinning "Himalaya" ride and flew into a wall, suffering fatal injuries. Ride inspectors approved the ride ten days earlier.

After initially returning and then dropping murder indictments against nine individuals associated with B&B (the company that owned the ride), a grand jury indicted five people, including B&B's vice president, and two corporations for manslaughter. The indictments alleged that the restraining lap bar was held in place by a too-small pin (possibly made of an inadequate material), and that the lap bar's latch was insufficient. Prosecutors alleged (and the vice president admitted at his guilty plea) that he was aware of, but had not acted on, a California report ordering modifications to the Himalaya's lap bar cotter.

In November of 2000, the owner pleaded guilty to manslaughter and was sentenced to 30 days in jail and six years of probation. He insisted that his decision was only based on the financial costs of proceeding. At the end of his probationary period, the plea agreement provides that his conviction can be removed from his record. B&B was fined \$50,000. The inspector eventually also pleaded guilty to a misdemeanor and was fined \$100, and his company pleaded guilty to manslaughter and was fined \$30,000. The inspector also insisted that he was not responsible for Ms. Lane's death and that he pleaded guilty out of pragmatism.

MARCH 14, 2004
PIGEON FORGE, TENNESSEE HAWK

Early in the afternoon of March 14, June Carol Alexander, with her son and sister, boarded the Hawk (a ride that lifted patrons around 75 feet in the air, hanging upside-down) at Rockin' Raceway in Pigeon Forge, Tennessee. When at the top of the ride's cycle, her restraint failed and she fell 60 to 65 feet to her death. Inspections revealed "jumper cables" in the ride's control box that permitted the ride to operate without all of the restraints properly in place. According to testimony at trial, a similar incident had occurred a year prior, but the patron held himself in place when his restraint failed.

The manager of the park, Charles Stan Martin, was charged with second-degree murder and reckless homicide. Prosecutors contended that Martin at least knew of the jumpers or placed them himself. Martin denied having placed the jumpers in the control box and suggested that the manufacturer had done so.

The televised trial lasted four days and included 26 witnesses and a video showing how the ride could be operated without the restraints in place. The jury convicted Martin of reckless homicide but acquitted him of second-degree murder. He was sentenced to four years of probation and 200 hours of community service.

AUGUST 13, 2003
LAKE COUNTY "SCOOTERS"

Eight-year-old Greyson Yoe was electrocuted while waiting to get on the "Scooters" bumper car ride at the Lake County Fair in north-eastern Ohio. The fair operator had not obtained a permit for wiring the ride, a licensed electrician did not inspect the connec-

tion, and the unlicensed electrician who did the wiring had left the grounding wire dangling at the pole. The electrician later stated that he assumed the ride was grounded elsewhere and that he didn't know what the green wire was for. While two state inspectors had inspected the ride and passed it as safe to operate two days before the death, later investigation revealed that inspection to be superficial and inadequate.

The electrician, ride owner, and inspectors were all prosecuted. A jury convicted the electrician of reckless homicide and involuntary manslaughter and a judge sentenced him to 30 days in jail. The ride owner pleaded guilty to attempted involuntary manslaughter and sentenced to six months in jail. The inspectors eventually pleaded no contest to dereliction of duty and were each sentenced to 15 days in jail.

SEPTEMBER 19, 2004
SIZZLER—SHREWSBURY, MASSACHUSETTS

Andrew Fohlin, a resident of a group home in Massachusetts, was thrown from a Wisdom Sizzler ride and killed at a festival at St. Mary's Parish in Shrewsbury. State officials concluded that "an improperly replaced lap bar nut loosened, a bolt with its head removed gave way, and an undersized bolt sheared off." Prosecutors charged the supervisor of the ride with manslaughter. He pleaded guilty in a plea agreement and received two and a half years of probation.

IS THERE A TREND?

In determining whether there is an industry-specific increase in criminal prosecutions, one needs to look at the increased attendance and ridership, greater press coverage, and the changed legal context after high-profile corporate prosecutions.

ATTENDANCE TRENDS

Fixed-site park attendance has grown from 253 million visitors in 1990 to 328 million in 2004, a 30 percent increase. Today, 350 million people visit carnivals every year, and presumably that attendance is also growing. The number of injuries has also increased, though the limited data suggest that the rate of injuries is probably not a great deal higher (if at all).

ADDITIONAL PRESS

The proliferation of cable news and Internet news sources provides extensive coverage of such accidents and a greater opportunity for elected officials to gain public exposure by responding with legislation or criminal prosecution. Officials seeking to expand regulations have indeed publicized incidents such as those above.

CORPORATE CRIMINAL PROSECUTIONS GENERALLY

Massive corporate scandals, epitomized by Enron and WorldCom, have led prosecutors to think more seriously about the criminal prosecution of business entities and associated individuals. The increase in amusement park prosecutions may thus be part of a broad, general trend, not specific to the amusement park industry.

INVESTIGATION VERSUS INDICTMENT

In the full version of this paper (available at my website), I explore additional incidents where police and prosecutors conducted criminal investigations following a serious amusement ride injury

or death but did not bring criminal charges. This history suggests that there have long been criminal investigations and that the trend—if there is one at all—can perhaps most usefully be understood as a trend in deciding to bring formal charges and prosecute rather than simply to investigate.

CONCLUSION

More prosecutors are charging a wider array of people with crimes based on injuries or deaths at amusement attractions. There are several explanations for what appears to be a trend—an increase in attendance (and thus an increase in injuries or deaths that could result in charges); increased press relating to amusement injuries; a general increase in criminal prosecutions of corporations and other businesses.

If we further consider the incidence of criminal investigations together with criminal prosecutions, the trend may not be as stark as it appears. Put another way, prosecutors have been paying attention all along. These explanations together suggest that the “growing threat” of criminal liability has little to do with the amusement industry in particular and more to do with external trends and forces. ♦

The original version of this paper was prepared for the first annual legal symposium of the International Amusement and Leisure Defense Association; that longer and more detailed version, which includes complete footnotes, is available at Professor Childs's website, www.masstort.org. Thanks to Margaret R. Solis 2L for superb research assistance and to Professor Chad Emerson at Faulkner University Jones School of Law for the invitation to participate in the symposium.

Faculty Article

by Bill Childs
Assistant Professor of Law

Bill Childs' Wild Ride



The thrills, the highs, the lows, the unexpected twists and turns...it's no wonder Bill Childs is passionate about the field of law.

Bill's journey to Western New England College School of Law began as a political science major at Macalester College. From there he went on to earn his J.D. with high honors from University of Texas School of Law where he was Chief Articles Editor for the *Texas Law Review* and a member of the research staff for Michael Tigar, lead counsel for Terry Nichols, defendant in the Oklahoma City Bombing case.

After law school, Bill served as a Law Clerk for Chief Judge James M. Rosenbaum, United States District Court for the District of Minnesota. Then he joined the Washington, DC law firm of Williams & Connolly as an associate attorney, working principally in mass tort and intellectual property litigation. His research and teaching interests include intellectual property, mass tort litigation, and complex litigation.

Bill's publications include *The Implementation of FDA Determination in Litigation—Why Do We Defer to the PTO but Not to the FDA?* (5 MINN. INTELL. PROP. REV. 155, 2004), *The Intersection of Preemptory Challenges, Challenges for Cause, and Harmless Error* (27, AM. J. CRIM. L. 49, 1999), and the forthcoming *When Criminal and Tort Law Incentives Run Into Tight Budgets and Regulatory Discretion* (34 CAP. U.L. REV.).

He has also found outlets through his scholarship to pursue one of his many other passions—roller

coasters—and, more specifically coaster and amusement park safety and liability issues. Recently he made a presentation on the topic “Criminal Prosecutions and the Amusement Industry—Is There a Trend?” at the 2006 International Amusement & Leisure Defense Association Symposium.

A lifelong fan of roller coasters, Bill is sought after for his expertise about the amusement park industry. He has been quoted by the *Springfield Republican*, the *Worcester Telegram & Gazette*, and the *Pittsburgh Tribune-Review*. Last semester, Bill took an unusual trip to Holiday World in southern Indiana. He says, “They are building a huge new wooden coaster. They asked about a dozen people to be on a ‘secret committee’ to give feedback on various potential features and designs. *Discovery Channel* flew some of us out there to be interviewed for a show that will air sometime in the next few months.” The 6,442 foot long coaster, known as The Voyage, is being billed as “The world's top airtime wooden coaster” with a total of 24 seconds of weightlessness.

Bill also offers his opinions through his Internet blogs. He is the editor of TortsProf Blog, part of the LawProfessorBlogs network, as well as his own website, www.masstort.org, which offers amusement park safety oriented information. He and his six year-old daughter, Ella, host a weekly radio show, “Spare the Rock, Spoil the Child,” on Valley Free Radio, 103.3 FM in the Pioneer Valley.

Judicial Clerkships:
**LEARNING
FROM THE
MASTERS**

By Debra Whittenbury

When asked to share the greatest benefit of the judicial clerkship he performed in the U.S. Bankruptcy Court a few years ago, Paul Leoni '02 answers with enthusiasm and without hesitation.

"There is nothing better or more fulfilling than having access to a master's mind," says Leoni, now an attorney with WolfBlock in Boston, "and a federal judge is a master of the law."

Each year School of Law graduates compete with thousands nationally to seize this highly coveted opportunity to learn "straight from the master." While the prestige of a judicial clerkship is part of its appeal—most potential employers greatly value clerkship experience—the prospect of immersing themselves in the law, honing their research and writing skills, and working at a judge's side for a year or more is most tantalizing for students.

"A clerkship is a unique training experience," says Sandra Olearcek '96, Assistant Dean and Director of Career Services for the School of Law. "It's an intellectual endeavor. Clerks learn to analyze and to interpret the law and gain unparalleled knowledge about a judge's decision-making and the judicial process. The opportunity to gain a lifelong mentor is also part of the appeal as many judges serve as mentors to their clerks well beyond the clerkship. From the judge's point of view, clerks bring a fresh perspective on issues and are some of the best and brightest law students."

Similar to the national average, about 11 percent of our graduating classes go on to obtain judicial clerkship positions in trial, appellate, and specialized courts regionally and nationally. Graduates have completed clerkships in many of the Massachusetts courts, including the Supreme Judicial Court, Appeals Court, and Massachusetts Trial Courts, as well as in many Connecticut, Rhode Island, New Jersey, and New York courts and as far away as Alaska. Some have clerked as high as the U.S. Court of Appeals level.

As their days fill with observing arguments, discussing cases, and researching the law, graduates quickly discover that clerkships are an exhilarating first glimpse at the real world application of individual subjects they've studied for three or four years.

"In school, you're learning about each topic separately," says Deena Maniscalchi '05, currently clerking for the Massachusetts Superior Court, "but during your clerkship, you get to see how the different types of laws work, and how it all fits together. The law is a big, big system of thought."

Shana-Tara Regon '03 was excited to clerk for the Connecticut Supreme Court, often the "last stop" for cases that have been appealed and in the legal system for years. "Knowing that the issues I was being asked to assist with were quite often the last chance for litigants was very compelling," she says.

"Through my clerkship, I learned how to approach an argument," Leoni recalls. "I learned what the judge responds to—and that no one likes a sloppy lawyer. And I had the luxury of being able to do purely research and writing, spending hour upon hour in the minutiae of the law."

Research and writing are themes that surface again and again with any discussion of judicial clerkships. School of Law graduates say that outstanding writing skills and a dedication to meticulous research are absolutely vital to being considered for a clerkship position.

Maniscalchi, who was a self-employed writer for 20 years before applying to law school, has come to realize that her previous experience has left her well prepared for a job that relates so much to writing.

**SCHOOL OF LAW
GRADUATES
PARTICIPATING IN
THIS OPPORTUNITY-
OF-A-LIFETIME HAVE
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AS THE LAW FROM
THEIR TEXTBOOKS
COMES ALIVE**

"That and the Legal Research and Writing course required during my first year at the School of Law were key," she says.

Regon also had a writing background, earning an MFA in Fiction Writing, prior to attending law school to find a more practical outlet for her skill and passion.

"My clerkship was like going through another three years of law school because it was such an intense legal research and writing experience," she says. "They are your two most important skills as an attorney, and when you leave the clerkship with that kind of experience, you're ahead of the game."

Students vying for judicial clerkships are well aware of what's at stake and the potential doors that may open for them, should they secure a clerkship. Indeed, competition for clerkships can be fierce, and the application process is arduous and at times complicated. The School of Law's Office of Career Services works to help ease some of the trepidation students feel when beginning the process.

"We encourage students to clerk and assist them in all phases of the application process," says Olearcek. Career Services staff members provide one-to-one counseling, help students narrow down where to apply, review résumés and cover letters, and assist students with preparing for interviews. A panel of former clerks also visits the School of Law each year to discuss their clerkship experiences and offer pointers on the application process.

Leoni is one of the former clerks who ventures back to the School of Law to talk about his clerkship and professional life thereafter. When looking back at his own journey through the application process, including a "very intimidating" meeting with the Chief Justice of the Oregon Supreme Court, "Everyone at the School of Law was very accessible, very helpful, and very knowledgeable," he says. "They always made sure I had the information I needed."

Maniscalchi echoes, "I had outstanding instruction, and I really appreciated the level of expertise and accessibility of my professors throughout the process. At many law schools, you need to make appointments. Here, I could stop by their offices, and if I needed help, they would help."

School of Law graduates conclude their clerkships confident that they've gained a wealth of insight and hands-on experience that will be applicable throughout their legal careers. Consequently, many look back at their law school education as excellent preparation not only for their clerkship, but for a bright future in the law.

"It was a lot of work, it required a lot of focus, but I felt well prepared for my clerkship and business in general," says Maniscalchi.

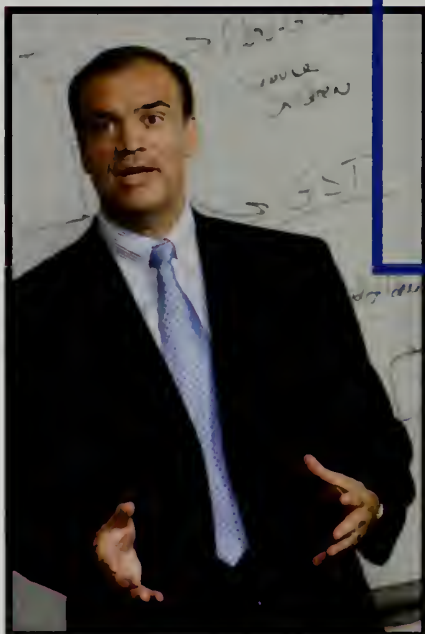
Regon, now a litigation associate with Shipman & Goodwin, hopes that even more School of Law students will take advantage of clerkships.

"There are myriad opportunities out there—they should reach for them," she says. "I found that my education at the School of Law had perfectly equipped me for the rigors and discipline I needed at the Connecticut Supreme Court. I could not have been better prepared." ♦

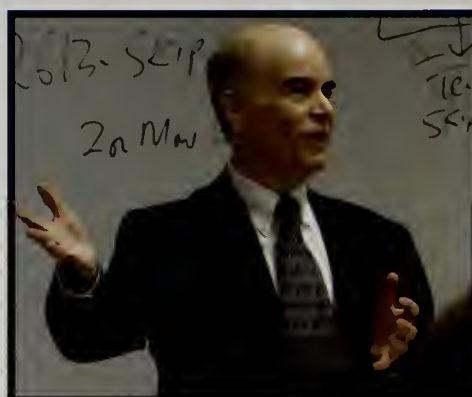
Pictured at left: Deena Maniscalchi '05 with Judge Mary-Lou Rup '78 of the Massachusetts Superior Court



LL.M. in Estate Planning and Elder Law Exceeds Expectations



Attorney Richard C. Martin, Adjunct Professor of Law



William G. Baker, Professor of Law

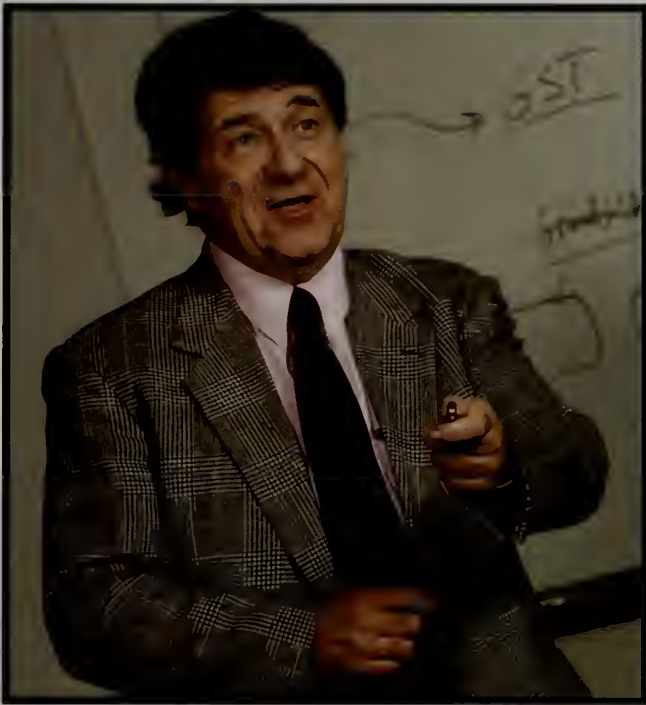


Attorney Hyman G. Darling '76, Adjunct Professor of Law

With interest exceeding expectations, the newly launched LL.M. in Estate Planning and Elder Law is proof positive that the School administration has made an excellent choice for its first ever master of laws degree.

Rather than developing a program strictly about taxation, Dean Gaudio and his administration looked carefully at the program's target audience, the country's changing demographics, and competing programs.

Their research led them to broaden the scope of the School's first post-graduate degree, offering an Estate Planning and Elder Law program that is among only three in the country. The program capitalizes on some of the School's strongest areas of expertise while satisfying a growing demand for educational opportunities in this fast-growing specialty.



"This is such a highly complex specialty. Typically, it takes 10 to 15 years to acquire the level of proficiency that we are able to provide for our students through the program. This expertise will greatly enhance their ability to help their clients make informed decisions."

Fred Royal, Director

Planning to roll out the program conservatively with a projected first semester enrollment of 10-15 students, Program Director and Professor of Law Fred Royal, was pleasantly surprised to find that applications surpassed predictions. Last fall, the School decided to expand enrollment to 19 students and approved the creation of a wait list for applicants looking to enter in the fall of 2006.

The LL.M. in Estate Planning and Elder Law has wide-ranging appeal, attracting both new attorneys in solo practice eager to develop a niche specialty and seasoned lawyers looking to enhance their expertise.

The program has attracted students from throughout the Northeast. With evening hours and extensive use of the Internet to supplement communication between faculty and students, the program is designed to fit the busy schedules of working attorneys, including those who travel long distances to attend class.

Solo practitioner **Margot Parrot '03**, travels from West Tisbury, MA, on Martha's Vineyard to Springfield to attend class.

Parrot says, "The LL.M. program provides the perfect niche to expand my practice to offer complex estate planning to seniors and small business owners here on the Vineyard.

"I commuted to Springfield both for my J.D. and now for my LL.M. because I can't imagine a law school with a more student-centered program. The faculty provides such personal attention while still maintaining high standards

of excellence. There's also a really great range of students in our class. Everyone brings a different perspective and expertise to presentations from veteran's issues to trusts for people with disabilities. It's wonderfully interactive."

Other students travel north from Connecticut, including **Kelley Peck '97** of Hartford.

She says, "Clients are savvier today; they are looking specialist not general practitioners when it comes to estate planning. Having an LL.M. degree is one way to distinguish yourself in this specialty.

"I come from a fairly sophisticated estate planning practice, so I am looking for the LL.M. to make me an even better practitioner. In the first three months of class, I feel that I have already learned a

lifetime's worth. The program has opened my eyes to new opportunities and enabled me to see things differently. The School has always done an excellent job of blending theory with practical application. And that's important in a specialty in which the laws are always changing." ♦

To learn more about the program, visit www.law.wnec.edu/llm or call Professor Royal at telephone: 413-782-1422 or by email at froyal@law.wnec.edu.



Kelley Peck '97



Margot Parrot '03

The Science of Blending

Health and Law



Faculty Profile:

Professor of Law Katharine Van Tassel

By Patricia Gagnon



"One of the most dynamic and fascinating areas of the law is the growing interrelation between healthcare providers and the legal system," explains Associate Professor Katharine Van Tassel. "I started my career in healthcare over 20 years ago and the change in the role the legal system plays in the delivery of healthcare is remarkable."

Katharine Van Tassel's career began in healthcare at Case Western Reserve University where she earned a B.S.N. and R.N. from Frances Payne Bolton School of Nursing. Prior to switching careers, she practiced as an Advanced Clinical Nurse in hematology-oncology at Rainbow Babies and Children's, a world-renowned pediatric cancer center, working to put herself through law school. "I am proud to have been a member of the team that performed one of the first bone marrow transplants."

Professor Van Tassel received her J.D. from Case Western's School of Law. After graduation, she clerked for U.S. District Court Judge William K. Thomas. After working with Squire, Sanders & Dempsey, she became Managing Partner of Van Tassel & Associates, a 13-lawyer firm representing healthcare entities and physicians in both general corporate and malpractice litigation. The firm also represented Fortune 500 companies in state litigation and federal multi-district litigation in product liability cases filed across the country.

"Our firm tried cases in international litigation as well. Traveling to Japan to take the deposition of the CEO of a large manufacturing concern is one of my most memorable experiences. It was exciting, but eventually I realized what I enjoyed most was teaching new attorneys the art of practicing law."

Since joining the Western New England College School of Law in 2001 as an Assistant Professor of Law, Van Tassel has focused on developing the health law curriculum. "Healthcare is the fastest growing industry in the country. This growth, coupled with the rapid advancements in both science-based medicine and medical technologies has spawned a labyrinth of new legal rules and regulations. This mushrooming body of law deals not only with traditional issues of professional liability, but also with every facet of modern medical organizations—from financing and oversight to accountability for business decisions and social responsibilities.

Health providers are becoming more reliant on lawyers to help them navigate this new legal maze."

Van Tassel also stated that "one of my goals in coming to Western New England College was to create a curriculum that prepares our graduates to meet the sophisticated legal needs of healthcare providers and regulators. I am pleased to report that we are well on our way to achieving this goal."

The School of Law now offers six health law courses covering the physician-patient relationship, business entities, government delivery of healthcare, medical technologies, biotechnology, public health, and bioethics.

The students have responded enthusiastically to this new career path by organizing to create the student Health Law Association (HLA). Together with Van Tassel, the HLA instituted a speaker series that has included a nationally recognized geneticist on the political and ethical issues surrounding research involving stem cells, and Elaine Kolish '80 the Associate Director of the Enforcement Division of the FTC, on the prosecution of false claims for drugs, devices, and dietary supplements. The HLA also plans to start a health law newsletter, provide job search support for health law students, and begin networking with Western New England College law alumni practicing health law.

"Furthermore," adds Van Tassel, "to enhance the reputation of our newly developed health law curriculum, I am working to build credibility as both a specialist in health law and as a health law scholar. To that end, I've enrolled in the M.P.H. program at Harvard and expect to complete my degree in 2007. In addition, my publishing has focused primarily on health and biotechnology law, with more articles in a similar vein in the pipeline."

Van Tassel is also working to develop ties with the local medical community by making numerous presentations on health law and bioethics at medical conferences. She is a member of several ethics committees at Baystate Health System, and has served as a

member of Baystate's Institutional Review Board, which is charged with reviewing proposals involving human experiments of new drugs and devices for compliance with regulations, common law, and ethics. "By reaching out to the local medical community, I hope to facilitate the creation of externships for students who are interested in practicing in the area of health law."

Van Tassel is also involved on the state and national level. She was recently appointed as a Commissioner of the Cervical Cancer Special Commission, House of Representatives, Commonwealth of Massachusetts. She also presented her scholarship in the area of biotechnology at the annual products liability conference of the Food & Drug Law Institute (the teaching arm of the F.D.A.) in Washington, DC.

Van Tassel said the addition of Associate Professor Barbara Noah will bring further attention to health law studies at the School. "She has a national reputation as a cutting-edge health law scholar, and brings a wealth of experience and knowledge about healthcare delivery. I think she would agree that we have a wonderful synergy, and are both interested in the laws relating to emerging biotechnologies and ethical issues raised by novel modes of reproduction, cloning, genetic testing, stem cell research, organ donation, and end of life decision making and euthanasia."

This synergy is already apparent as Van Tassel and Noah are acting together as article coordinators for a *Western New England Law Review* symposium focusing on politics and health law. Publication is planned for the spring of 2007.

On a more personal note, Van Tassel shares that, now that she has received tenure and a promotion to full professor, she can turn some of her attention to starting a family. "There are more than 750,000 children in Ethiopia who have been orphaned as a result of AIDS. My heart goes out to them." Professor Van Tassel is currently involved in adoption plans for at least two orphaned Ethiopian children in the coming year. ♦

FACULTY & STAFF NOTES



Beth Cohen, Assistant Professor of Law and Director of the Legal Research and Writing Program, is serving on the editorial advisory panel for *The Redbook: A Manual on Legal Style*. She has also signed on to participate in "Pro Bono Professors," a project launched under the auspices of the Stanford University's Center on Ethics to provide assistance to nonprofit public interest legal organizations.



Jamison Colburn, Associate Professor of Law, has been named Vice Chair of the American Bar Association's Task Force on the intersection of constitutional and environmental law and is also a contributing editor to the task force's newsletter. The hearings on the Alito nomination have focused much attention on the nominee's philosophy of federalism and federal legislative power, due in part to how important Justice O'Connor's vote has been on such issues over the last decade. Most recently the Supreme Court granted certiorari in two cases involving the commerce clause and the scope of the Clean Water Act.



Eric Gouvin, Associate Dean for Academic Affairs and Professor of Law, has been appointed cochair of the New Developments Subcommittee of the Task Force on Director and Officer Liability at the spring meeting of the American Bar Association's Business Law Section in Nashville, TN.



Jennifer Levi, Assistant Professor of Law, along with Sam Stonefield, Associate Dean for External Affairs and Professor of Law, spoke at Smith College in Northampton, MA. Their speech was entitled "Does it Matter What the Constitution Says? Enumerated Rights, Unenumerated Rights, and Judicial Philosophies."



Jennifer Martin, Associate Professor of Law, has written a paper entitled "An Emerging Worldwide Standard for Protections of Consumers in the Sale of Goods: Did We Miss an Opportunity with Revised UCC Article 2?" She

presented the paper at the International Contracts Conference in Fort Worth, TX, in February 2006, as part of a panel discussion on the Boundaries of Contract Law.



Bruce Miller, Professor of Law, along with Arthur Wolf, Professor of Law, conducted a seminar on selected topics for the Attorney General's Institute. The A.G. Institute was established by Attorney General Tom Reilly to bring experts to the A.G.'s office in Boston to conduct seminars on legal issues of interest to the attorneys who work in the office.



Arthur Wolf, Professor of Law and Director of the Institute for Legislative and Governmental Affairs, served as moderator for the tenth annual Supreme Court Review Conference held at the School of Law.

Alumni Volunteers Open a World of Opportunity

Our alumni are the bridge from the classroom to their professions. You can help students realize their potential by offering mentoring, networking, or employment opportunities. Let your success today help open doors for others tomorrow.

Yes, please contact me to discuss how I can assist students as:

- ☐ An Alumni Mentor
- ☐ An Alumni Contact Files Participant
- ☐ An Alumni-in-Admissions Volunteer
- ☐ An Externship Sponsor
- ☐ A Chapter Organizer
- ☐ A Class Agent
- ☐ A Prospective Employer

Name _____ Grad Year _____

Title _____ Employer _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Send a copy of this form to: Office of Law Alumni Relations, Western New England College School of Law, 1215 Wilbraham Road, Springfield, MA 01119-2684

For details on these opportunities, visit www.law.wnec.edu/alumni.

FACULTY & STAFF IN THE NEWS



William Childs	10/30/05 10/30/05 10/30/05 10/30/05 12/22/05	<i>Worcester Telegram</i> <i>Boston Globe</i> <i>The Republican</i> <i>Associated Press</i> <i>Worcester Telegram & Gazette</i>	Carnival Ride Safety Carnival Ride Safety Carnival Ride Safety Carnival Ride Safety Carnival Ride Safety
Jamison Colburn	8/14/05 10/30/05	<i>The Republican</i> <i>The Republican</i>	Water Pollution Supreme Court Review Conference
Arthur Gaudio	9/2/05	WWLP TV-22	Hurricane Katrina—Law Students
Eric Gouvin	9/6/05 9/25/05 10/3/05 10/26/05	<i>Western MA Law Tribune</i> <i>The Republican</i> <i>BusinessWest</i> <i>The Republican</i>	Hurricane Katrina—Law Students Lawyers as Legislators Center for Entrepreneurship Law and Business Center
Leora Harpaz	10/5/05 10/30/05 10/31/05 1/12/06	WHMP AM <i>The Republican</i> WHYN AM 560 WHMP AM	Supreme Court—Harriet Miers Supreme Court Review Conference Supreme Court Alito Nomination Supreme Court Alito Nomination
Michael Johnson	9/12/05 1/21/06	<i>Western MA Law Tribune</i> WSHM-TV 3	Law School Admissions Minority Law Day Workshop
Arthur Leavens	10/30/05	<i>The Republican</i>	Supreme Court Review Conference
Jennifer Levi	8/21/05	<i>The Republican</i>	Gay Marriage Ballot Question
Bruce Miller	9/11/05 10/2/05 10/30/05	<i>The Republican</i> <i>Connecticut Post</i> <i>The Republican</i>	Patriot Act/Sept. 11 Anniversary Patriot Act and Libraries Supreme Court Review Conference
Aimee Griffin Munnings	10/3/05 10/26/05 11/16/05	<i>BusinessWest</i> <i>The Republican</i> <i>The Republican</i>	Center for Entrepreneurship Law and Business Center Munnings/Law and Business Center
Barbara Noah	12/6/05	WHYN AM 560	Right to Die Case
Fred Royal	12/26/05	<i>BusinessWest</i>	LL.M. in Estate Planning and Elder Law
Sam Stonefield	9/7/05	WHYN AM 560	Fingerprint Evidence
Arthur Wolf	9/7/05 9/19/05 9/30/05 10/3/05 10/20/05 12/5/05	<i>The Republican</i> WGGB TV-40 WWLP TV-22 WGGB TV-40 <i>Wilbraham Times</i> WAMC	Legislative Internship Supreme Court Forum Supreme Court Vacancy Supreme Court—Harriet Miers Supreme Court Conference Teen Mall Restrictions

Student Spotlight: Rob Luckritz



A CALLING FOR EMERGENCY CARE

The day after Hurricane Katrina hit the Gulf Coast, Rob Luckritz 3L was in the middle of what he calls a "life changing experience"—caring for hurricane victims from his medic base at New Orleans International Airport. Rob is a member of disaster medical teams for FEMA and has been on-call three months out of the year for FEMA since 2002. "We were so overwhelmed when we got there. We would treat 10,000 patients a day, 1,000 patients an hour, between a couple hundred doctors, nurses, and paramedics," Rob recalls. Rob's team worked 12-hour shifts, working noon to midnight. At the end of his shift he would curl up to sleep on the airport baggage carousel.

"We triaged the patients until they could be transported out. The more critical patients would be taken by military jets to hospitals around the country. I really didn't have time to get to know my patients, their names, or their background. I would see

them for 30 seconds to a few minutes. In my paramedic work, I get a bit more time with patients. Sometimes up to a half hour," says Rob who is an EMT for North Adams Ambulance.

"I enjoy disaster preparedness, but my true heart lies in paramedic work," says Rob. Born and raised in New Jersey, Rob received his B.S. degree in Emergency Medical Services Management from Springfield College in 2003. He began thinking about studying law to support the profession he loves.

"There is limited leadership for EMTs and no lobbying groups. I don't think people can determine if EMTs fall under healthcare or public safety," explains Rob. "They are very poorly paid. I know people who start a heart and place an IV in a person and then go home and struggle to put food on the table. People can forget the importance of our work and think all we do is drive people to the hospital. I would like to use my degree to impact public policy, lobby legislation and government regulations to get better wages and better compensation for EMS workers," he says.

With that mission Rob chose to enroll at Western New England College School of Law. "I enjoyed the area from when I went to school here for my undergraduate degree. What I really liked about Western New England College was its atmosphere. The professors and staff are family-oriented and really care about you as a person. They don't just care about grades; they want to

help you develop into an all around good person," says Rob. He cites Professors Jamison Colburn and Katharine Van Tassel as being faculty who have been supportive and strong influences on him.

Rob maintains a busy schedule. He attends classes at the School of Law during the day, teaches paramedic classes in the evenings, and works as a paramedic on the weekends. "During my down time at work, I do a lot of studying. I give myself a few hours every day to do school work. But I leave Sundays for myself, I try not to be working. That's my day to go out with my friends or stay in and watch TV," he says.

"There is limited leadership for EMTs and no lobbying groups. I don't think people can determine if EMTs fall under healthcare or public safety."

"People ask me if being a paramedic is stressful, but our training includes how to balance that stress and how to manage it," says Rob. "Being a paramedic gives me the opportunity to make a difference at a time when people are truly in need. To see people's reaction on their faces, the relief when they see us come through the door, it balances those other days." ♦

Name: Rob Luckritz 3L

Education: B.S., Emergency Medical Services Management, Springfield College, 2003
NREMT-T (Paramedic)

Institute for Legislative and Governmental Affairs Summary of Programs **Fall 2005**

DURING THE FALL TERM, 2005, the Legislative Institute sponsored three programs on the United States Supreme Court, three Continuing Legal Education sessions, and a sitting of the Massachusetts Appeals Court. With the retirement of Justice Sandra Day O'Connor and the passing of Chief Justice William Rehnquist, President Bush nominated his first justices to the Supreme Court, Judges John Roberts and Samuel Alito. The Institute sponsored two seminars on the nomination and confirmation process, exploring the historical and contemporary issues that have arisen in the appointment of justices to our highest court. In these two sessions, Professors James Gordon, Leora Harpaz, Bruce Miller, and Art Wolf explored the wide range of questions associated with the appointment process.

Supreme Court Review Conference

The Institute sponsored the Tenth Annual Supreme Court Review Conference, which focused on the important decisions of the Court during the October 2004 term, and assessed the direction the Court may take under Chief Justice Roberts. Professor Leora Harpaz, who first began the conference 10 years ago, presented the decisions on race and religion. Professor Jamie Colburn discussed the Court's land use opinions, principally the *Kelo* case from New London, CT, the eminent domain case that has sparked such controversy.

Professor Arthur Leavens explored the criminal law decisions, particularly as they related to sentencing, search and seizure, and the death penalty. Finally, Professor Bruce Miller examined two interesting federalism decisions involving the medical use of marijuana and interstate wine sales. The program concluded with a panel discussion of the direction the Court may take under Chief Justice Roberts. Professor Art Wolf moderated the Review Conference.

Semester CLEs

With the Massachusetts Bar Association and our Office of Alumni Relations, the Institute hosted three Continuing Legal Education (CLE) programs, which were open to the entire bar with special admission rates for School of Law graduates and students. The semester CLEs began with the long-awaited program on the recent revisions to the Federal Bankruptcy Code (the changes were pending in Congress for over five years). Under the expertise and guiding hand of Federal Bankruptcy Judge Henry Boroff, the Institute hosted the "Fourth Annual Recent Developments in Bankruptcy." Bankruptcy judges and practitioners conducted a full day seminar on the extensive amendments Congress made to the Bankruptcy Code in 2005. The Institute also hosted two other CLE programs: "A Civil Practice in Housing Court" and "Handling Depositions." Again with a distinguished faculty of judges and attorneys, the audience learned firsthand from key players in two important areas of civil litigation.



Massachusetts Appeals Court

Finally, the Institute along with the Office of Career Services hosted the semi-annual sitting at the School of Law of the Massachusetts Appeals Court, with the Honorable Judges Barbara Lenk (presiding), Kent Smith, and Andre Gelinis. As usual, the docket consisted largely of criminal law cases with an occasional argument in a civil matter. We were privileged to have the Court join us for lunch after the hearings.

By Keith McKittrick

Law School Alumni Answer the Call!

This fall and spring, our law students contacted more than 1,000 alumni to explain the reasons for making a charitable contribution to Western New England College School of Law. The alumni responded with a 40 percent increase in giving over the previous year. Our fall Phonathon netted \$22,500 in pledges from 245 alumni (the final numbers will be known on June 30, 2006 when the fiscal year closes). This spring, the students are extremely close to the Phonathon goal of 500 pledges from Law Alumni (the Phonathon ended March 9, 2006). We are rapidly approaching the 15 percent mark for alumni participation. The importance of alumni giving when considered by foundations, corporations, and other donors cannot be understated. Less than 10 years ago, Western New England College School of Law was ranked number three in the country in terms of student satisfaction in a national law school publication. Many publications use the percentage of alumni that give to their alma maters to gauge customer satisfaction. Let's send a message that Western New England College School of Law is a great law school and is worthy of supporting. There is still plenty of time to participate in the Law School Fund. You may make a gift online by visiting www.law.wnec.edu/alumni and choosing "Giving Back," by calling 413-782-1523, or by mailing your gift to the Office of Law School Development, 1215 Wilbraham Road, Springfield, MA 01119.



Keith McKittrick
Director of Law School
Development

For One Student, the Phonathon is All in the Family

During the spring phonathon, one of our callers, Holen Brady 1L had the option of not only calling one family member, but three! Holen's parents John Brady '74 and Diane Webster-Brady '74, graduated from the School of Law, as did her sister, Caitlin, a 2005 graduate of the School. Holen has really shined as a student caller and says that she enjoys speaking with our alumni and responding to the questions that she receives from them. There are many alumni whose children have chosen to follow in their footsteps. We are proud of the Brady family and other families who continue their legacy through support of the Law School Fund.



GIVE BACK
TO WHERE
YOUR FUTURE
BEGAN

Your legal education has been the foundation of your career, helping you to achieve professional and personal goals. When you were a student, alumni support helped put that legal education within your reach.

Now, you have the opportunity to give back to help future generations of students. Consider leaving a lasting legacy by making a planned gift to the College. Planned gifts can include a bequest through your will or a life-income gift such as a charitable gift annuity or a charitable trust, which pay you income and provide tax savings while helping students for generations to come.

For more information about bequests, life income gifts, or other types of planned giving, please contact James Rich in the Advancement Division at 413-782-1373 or write:

James Rich
Senior Director of Planned Giving
and Foundation Relations
Western New England College
1215 Wilbraham Road
Springfield, MA 01119-2688
Email: develop@wnec.edu
Or visit our new website:

www.wnec.edu/giving

CampusUPDATE

By David Stawasz

From September 2005 - January 2006



Western New England College Signs Joint Admissions Agreement with Area Community Colleges

In December 2005, Western New England College President Dr. Anthony S. Caprio joined with Holyoke Community College President Dr. William F. Messner and Springfield Technical Community College President Dr. Ira H. Rubenzahl to sign a Joint Admissions Agreement. The program will allow students to simultaneously apply to either of the two community colleges and Western New England College. Besides being able to further their education at Western New England College, HCC or STCC students enrolled in the program will be able to use the D'Amour Library and student support programs while attending community college.

(L to R) Springfield Technical Community College President Dr. Ira H. Rubenzahl, Western New England College President Dr. Anthony S. Caprio, and Holyoke Community College President Dr. William F. Messner

Honoring the Region's Academic Achievers

In January 2006, the College teamed up with MassMutual Financial Group to salute some 500 outstanding students from Springfield and Hartford high schools. The fifth annual "Picture Your Future" Conference provided students with information about important life choices, and addressed issues such as college, career, and time and money management skills. MassMutual Academic Achievers earned invitations to the conference by maintaining a "B average or better" for four consecutive marking periods. The College also announced that it will award a half- or full-tuition scholarship each year to qualifying members of the Academic Achiever program.



Springfield Mayoral Debate Comes to Campus

The School of Law's Institute for Legislative and Governmental Affairs hosted the first debate of the 2005 Springfield mayoral campaign in October 2005. The meeting of incumbent Charles Ryan and challenger Thomas Ashe in Sleith Hall was televised live on WGBY-TV Channel 57. Western New England College History professor John Baick and members of the local media questioned the candidates during the first half of the debate, while law and undergraduate students read questions submitted by Springfield voters during the second half.



Brian Zelasko, Vice President/Communications, United Way of Pioneer Valley, addresses the crowd at the Third Annual Communications Conference in January 2006.

Third Annual Communications Conference

More than 100 professionals from local businesses and nonprofit organizations took part in the third annual Communications Conference held January 11 at the College. Participants learned the finer points of creating effective news releases with the help of local newspaper editors, discussed branding and communicating in a crisis with top public relations professionals, and learned the latest in Power-Point and digital photography. During the conference luncheon, former Springfield Daily News Writer and Editor Bob McClelland was presented with the Valley Press Club's Lifetime Achievement Award, honoring his 50-year career in journalism.

Economics Professors Address Presidential Conference on Clinton Legacy

Western New England College Economics Professors Michael Meeropol and Carlos Liard-Muriente presented a paper during the 11th Presidential Conference at Hofstra University in November. The conference, titled "William Jefferson Clinton: The 'New Democrat' From Hope," brought together scholars, journalists, government officials, and the former President himself to discuss the legacy of the Clinton administration. Meeropol and Liard-Muriente took part in a panel on domestic economic policy.



College Recognized as a College of Distinction

Western New England College has been selected for inclusion in *Colleges of Distinction*, a new college guide and website profiling some of America's top institutions of higher education. "This is a great honor for any college," explains Dr. Ruth McClelland-Nugent, chief editor for the publication. "The schools in this book are some of the best in the country. Some are household names, some are 'hidden gems,' but what they all share is that they are great places to get an education." Based on the opinions of guidance counselors, educators, and admissions professionals, *Colleges of Distinction* honors colleges that excel in key areas of educational quality.



College Named Employer of the Year

Western New England College has been honored as "Employer of the Year" by the Employer's Association of the Northeast. The College was singled out among nonprofits with more than 100 employees. In presenting the award, the Employer's Association cited the College's Work and Family Resources Program, which provides information to help balance the demands of job and family.



Community Rallies Around Student In Need

Shortly before the holidays, senior social work major Peter Chambang got a call that would change his life. His family in Sudan had become victims of violence in the troubled region—his sister-in-law killed, his mother critically injured, and the family farm in ruins. Upon hearing the news, Chambang's professors and coworkers knew they had to help. In a few short weeks, they raised more than \$5,000 from the campus community and the public. "From the bottom of my heart, it's been great," said a grateful Chambang.

The money allowed Chambang to travel to his native Sudan for the first time in 15 years over the winter break. After walking for three days from neighboring Ethiopia, Chambang finally reached his family's village. While there, he helped get his mother medical attention and began the process of getting the entire family back on its feet, before returning to campus for the spring semester.

ALUMNI NEWS

By Mary Mazzaferro

CAREER SERVICES: Our Door is Always Open

Whether you are relocating to another city or looking for new opportunities in your own region, the Office of Career Services is here to assist you. While many recent graduates turn to our office for assistance, it's important to remember that our free services are available to our graduates throughout their lifetime.

In addition to assisting job seekers, the office can be a valued resource to alumni looking for outstanding attorneys, employees, clerks, or interns. If you have an opportunity in your firm or organization, please consider our highly qualified alumni. Visit our website at www.law.wnec.edu/careerservices to learn more about our extensive services or contact Sandra Olearcek '96, Assistant Dean and Director of Career Services, at 413-782-1416 about your specific needs.

SAVE THE DATE!

**Reunion 2006,
October 14, 2006**
Calling the Classes of 1961,
1966, 1971, 1976, 1981, 1986,
1991, 1996, and 2001!

Reunion 2006 will be held in the MassMutual Gallery at the Naismith Memorial Basketball Hall of Fame. Several area hotels have agreed to offer a reduced rate to our alumni. Please remember to reference the School of Law when making your reservation. A listing of local hotels can be found on the Law School's website: www.law.wnec.edu/alumni under "Reunion."

Visit our website to view our list of "lost" alumni. Please help us reach all of your classmates so that we can have a great turnout again this year!

If you would like to help with the planning of your reunion or just want to share an idea with the staff, please contact **Carol Thompson** at 413-782-1311 or email her at cthompson@law.wnec.edu.

Alumni Reconnect Through Regional receptions



Springfield 2/7/06

The annual Springfield Reception drew nearly 80 alumni from throughout Hampden and Hampshire counties to reunite and network with fellow graduates at the Colony Club. On hand to welcome them were College President Anthony S. Caprio, Dean Art Gaudio, and Director of Law School Development Keith McKittrick. Alumni enjoyed catching up with faculty members, which included Associate Dean of External Affairs Professor Sam Stonefield, and Director of the LL.M. Program Professor Fred Royal.



Washington, DC 11/10/05

Our growing alumni contingent in Washington was well represented at a gathering at Petit Plats in November. Professor Jamie Colburn, coordinator of the 2005/2006 Clason Speaker Series, joined Dean Art Gaudio and Keith McKittrick for fireside conversations with our alumni guests which included Ruth Hoffman '86, Director of Excise Tax Practice, for KPGM in Washington. Commented Ruth, "I've attended about 15 receptions. I like to keep up with what is going on at the School and with what people in the area are doing. It's a nice location for a reception."



The Berkshires 10/18/05

The picturesque Cranwell Resort was the setting for a fall gathering of alumni living and practicing in the Berkshires. Nearly 20 alumni attended.

Hartford 10/6/05

Robinson & Cole LLP was the site of a Connecticut reception that drew 37 guests. Organized by partner Kathleen Porter '90 who was formerly assigned to the Hartford office and now works in firm's Boston office, the gathering has become an annual event. Professors Bill Baker, Art Leavens, and Fred Royal joined Dean Gaudio and Keith McKittrick in sharing news of the School with our alums to the south.

(Photos top to bottom) Lori Leavitt '02 and Jeff Morneau '98 at the Springfield reception; Ruth Hoffman '86 and Vincent Salamone '87 at the Washington, DC reception; and Dean Art Gaudio sharing a moment with Joseph Pieropan '87 and Janet Pumphrey '90 at the Cranwell Resort.

New Board Convenes

New and returning members of the Law Alumni Board of Directors attended a meeting on October 1, 2005. The Board is continuing to work on communications among alumni and expanding its Class Agent and Chapters programs.

(Back row l to r) Mark Kolber '76, Victor Meir '96, Julian Tynes '97, AnnMarie Alexander '01, Marc Paquette '01, Ann Thomas '02, Cynthia Ellis '81, Marcia Horwitz '81, Henry Meyer '76, Peter Morin '84, and Maurice Powe '01. (Front row l to r) Jeffrey Morneau '98, Robin Stolk '84, Darlene Gerry '84, Judith Jones '86, Janel Doolin '79, Rosemary Hoag '95, Keshia Espinal '00, and Gautam Sen '02. (Missing from photo) Nancy Linck '84, Kathleen Porter '90, Martha Uribe '01.

The Law Library is Now Making Westlaw Available to You at No Charge

The Law Library has purchased a subscription that includes all primary law, all case law, law reviews, and extensive practice materials for Massachusetts and Connecticut, Key Cite, and other databases. While Westlaw is available to all our Library users, we purchased it with our alums in mind.

You may access Westlaw on a designated computer in the Law Library lobby. Reference librarians can assist you in accessing the service and formulating search strategies. While printing is not available from the work station, you can email documents to yourself or download documents to a diskette or CD. If you wish to use this option, please bring a disk with you. Our subscription does not permit us to make Westlaw available to you outside the Law Library.

The Law Library is pleased to make Westlaw available to you and proud to be the first library in the region to have purchased this public access service.

We hope you will take advantage of this service and find it beneficial to your practice of law.

Mentoring Program Provides Unique Opportunity



A mentor can be the guide to discovering your destined practice area or making valuable connections for future employment. They can offer experienced counsel on what courses to take or valuable advice on interviewing techniques.

Many successful alumni can point to a mentor in their life who made a powerful impact on the course of their careers. For our first-year law students, the opportunity to forge such relationships is presented to them through our Mentoring Program.

On January 25, 2006, more than 40 mentors, comprised of alumni and local attorneys, met with their mentees at the annual kick-off reception. The mentors and students continued to meet individually throughout the semester.

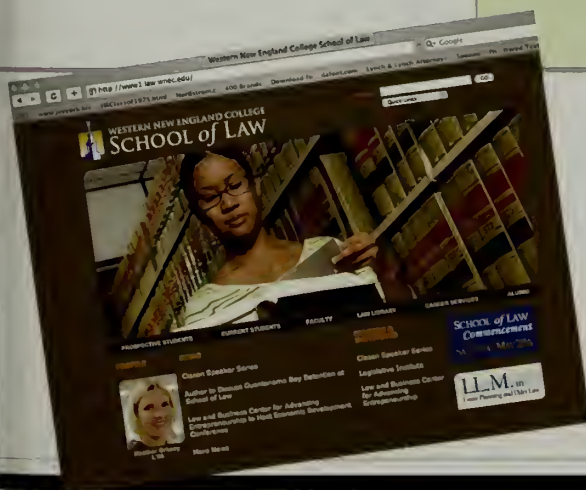
RED SOX PROGRAM
a HOME RUN!

SEASON '06

Our Red Sox tickets drawing was a great success. Each drawing winner was allowed to purchase tickets. The Office of Law Alumni Relations sold out our tickets for the May 7 and June 10 games. We look forward to seeing our Red Sox alumni fans at the games and to expanding the program next year. See you at Fenway!

School of Law Launches New Website www.law.wnec.edu

The School of Law has recently launched a brand new look and design for its website and the accolades have been rolling in. The contemporary, upscale design simplifies navigation to make it easier to locate information about the School. New pages will continue to be added as the design evolves. We encourage you to be a frequent visitor to stay informed about events and news of the School of Law and programs and services available to alumni.



How Robert Kelly '80
journeyed from elementary school
principal to counter-narcoterrorism expert

By Mary Mazzaferro



WHAT A LONG STRANGE TRIP IT'S BEEN.

The Berkshires. The West Wing. The Pentagon. The Amazon.

Bob Kelly's résumé reads like a travelogue. In the 25 years since graduation, Kelly has used his legal education as a passport to a career with more unexpected turns than a Robert Ludlum thriller.

In 1976, Colrain Central School Principal Bob Kelly was at a crossroads in his career. Disillusioned by the legal system that he felt had failed a student victimized by child abuse, he determined that he could do more to prevent injustice with a law degree.

He enrolled in the Evening Program at Western New England College School of Law, commuting to Springfield from the quiet hamlet of Shelburne Falls, MA.

During law school, Kelly, who grew up sailing the waters off Cape Cod, developed an interest in maritime law. "I did an independent study on the Fisheries Conservation and Management Act of 1976. That was the law that extended the U.S. territorial fishery jurisdiction 200 nautical miles, and virtually changed the whole face of commercial fishery in the United States," says Kelly. On the advice of a friend, who was an officer in the Coast Guard, he applied to its Direct Commission Law program.

Kelly was commissioned a Lieutenant and assigned to the 5th Coast Guard District head-

quarters in Portsmouth, VA, as one of seven attorneys on the staff there. Soon he was assigned as the Special Assistant U.S. Attorney for the Eastern Districts of Virginia and North Carolina prosecuting drug cases. "Over the course of about four years, I did about \$100 million in drug boat cases ranging in size from about eight tons up to a 40 ton load which was on a stateless vessel that originated in Colombia."

Unlike other branches of the service, the Coast Guard requires all officers, including attorneys, to do a field rotation. Kelly found it a humbling experience, "You become a little less smug because then you're the guy out there actually making the decisions at 2 a.m. as the wind is blowing at 50 knots. When you return to a legal office, instead of saying, 'Gee, I wondered how that happened?' you say, 'I know exactly how that happened.'"

Kelly was assigned as a Deputy Commander of Coast Guard group Hampton Roads. "We had five search and rescue stations, five cutters, and responsibility for the Southern Chesapeake Bay

Port of Hampton Roads, and coastal waters out 200 miles to the North Carolina line."

Next Kelly was asked to be one of two Coast Guard Officers on the Reagan White House staff. He worked in the Office of Emergency Operations as a Presidential Emergency Plans Officer. Recalls Kelly, "After about eight months I was promoted to Special Assistant for Operations Policy and I moved to the East Wing of the White House. I was the interface between the National Security Council staff and the White House military office staff on highly classified national security plans and programs. A light week may have been 70 or 80 hours and I was traveling all over the world. I couldn't tell my wife where I was going or what I was doing. It was really tough on the family, but the work was incredibly interesting. It was just a 'pinch me' experience."

Kelly's unique background led to an appointment as Executive Secretary to a wise man panel. Explains Kelly, "It was a commission of senior people, and this one was called the

Schlesinger Panel, chaired by James Schlesinger, the former Secretary of Defense, Secretary of Energy, and Director of Central Intelligence, to evaluate what to do with a classified program that was having some problems. So I worked for Secretary Schlesinger and for Bobby Inman, retired Navy Four Star Admiral and former Deputy Director of the CIA. Senator Ed Musky was also on the panel. It included five of the smartest people I'd ever met in my life."

As Kelly was preparing to return to the quieter routine of his Coast Guard desk job, the Deputy Assistant to the President for Management, Paul Batemen, asked if he would be interested in working as the General Counsel for the Office of Administration for George H. W. Bush.

"So here I am a Lieutenant Commander in the Coast Guard making \$44,000 a year—on a good day—and now I'm being offered a job as the General Counsel for the Office of Administration for the Executive Office of the President in the White House. And it was like 'Wow, how many nanoseconds does it take you to make up your mind to take that job?'"

He resigned his active duty commission in the Coast Guard, kept a commission in the reserves, and took the appointment for a year.

Despite a view overlooking the West Wing, Kelly missed the adventure of the East Wing, but soon found it at the Pentagon, helping then President Bush to deploy the military in the "Drug War" against Central and South American drug traffickers. Says Kelly, "I never used that term because I don't believe there is such a thing." He was asked to serve as Deputy Assistant Secretary of Defense (Drug Enforcement) and as Deputy Chairman of the nation's Border Interdiction Committee.

"It was highly controversial," states Kelly. "I think we were very successful because now the counter drug effort in DOD is well-established and it's become a very non-controversial part of the mission. But in 1989-90 it was anything but that." During his three-year assignment, the budget grew from \$400 million to \$1.2 billion.

Soon Kelly was flying regularly into the highly volatile territory of two insurgent groups: the Sendero Luminosas, the Shining Path guerrillas, and the MRTA, the Tupac Amaru revolutionary movement, that were determined to overthrow the government of Peruvian President Fujimori.

Santa Lucia was one of his most dangerous stops. "If there is such a place as 'downtown narcoterrorism' that would be it. It's in the Upper Huallaga Valley of Peru, which at that time the largest concentration of coca cultivation was taking place," states Kelly.

"At that time, the major focus was on the cocaine threat. Crack cocaine was just becoming a very potent problem in our cities. Back then about 60 percent of the coca was cultivated in Peru, about 30 percent was cultivated in Bolivia, 10 percent in Colombia, but 90 percent of it was processed in Colombia and controlled by Colombian criminal organizations."



Kelly pictured on the banks of the Amazon River in Iquitos, Peru, the site of "riverine operations" looking for boats carrying pre-cursor chemical used in the production of cocaine.



Bob Kelly enjoys sailing the coastal waters of the Atlantic in the "Connemara" from his Annapolis, MD home.



Vice President Dick Cheney, then Secretary of Defense, awarded Bob Kelly the Secretary of Defense Medal for Outstanding Civilian Service in 1993. Kelly's military awards include the Defense Superior Service Medal (two), the Defense Meritorious Service Medal, the Coast Guard Commendation and Achievement Medals, and a number of other individual and unit awards.

Military support took various forms. Says Kelly, "We provided intelligence to the local drug enforcement agencies, and we also provided training to the counter-narcotics forces in using military tactics to go after the *narco traficantes*, the drug traffickers."

On a typical trip, Kelly was met at the airport by a driver and a security guard "with an Uzi sitting between them on the front seat." A week after a visit to the U.S. ambassador's residence in Lima, rebels blew up a wall to the compound, blowing out the windows in the suite where Kelly had stayed.

After President Bush left office, Kelly moved into the less dangerous, but still intriguing, private sector, running the government business unit for ORBCOMM, the world's first low-Earth orbit telecommunications satellites launched by the Pegasus Rocket. The company's primary client was the intelligence community.

After helping to found a start-up company, Kelly then joined Hawkeye Systems as Vice President for Government Relations and General Counsel. "Most of the work Hawkeye did was in the counter-intelligence and counter-terrorism area," says Kelly. "I wore three hats: I did the lobbying, I was the general counsel, and I was a 'Subject Matter Expert' in narcoterrorism."

When the president of Hawkeye moved up to the parent corporation, Kelly went with him and today serves as Vice President of Administration and General Counsel of ManTech Gray Hawk Systems, Inc., overseeing company work with "Counter Intelligence Field Activity, the National Counter-terrorism Center, the Foreign Terrorist Tracking Task Force, and other organizations that are focused on the intelligence side of counter-terrorism."

In the aftermath of the 2001 terrorists attacks, the need for continued vigilance against terrorist activities has become more personal for Kelly, who willingly accepted a temporary Coast Guard post-9/11 assignment as a Special Assistant in the Office of the Secretary of Transportation.

Kelly remembers, "The plane that struck the Pentagon landed just to the right of the helicopter port about 25 yards from where my office had been when I was Deputy Assistant Secretary of Defense." Kelly's daughter watched the news coverage from her high school classroom and was disturbed seeing smoke pouring out of her Dad's old office window. Knowing that he was still a frequent visitor to the Pentagon, she called him on her teacher's phone to make sure he was safe. Kelly's former secretary was away from her office and just leaving a restroom when a fireball flew passed her down the corridor. Says Kelly, "She survived and now has a terrifyingly interesting story to tell."

Reflecting on his unusual journey from elementary school principal to his present post, Kelly says, "While I feel very fortunate that I am able to work in the counter-terrorism area, that day hit pretty close to home."

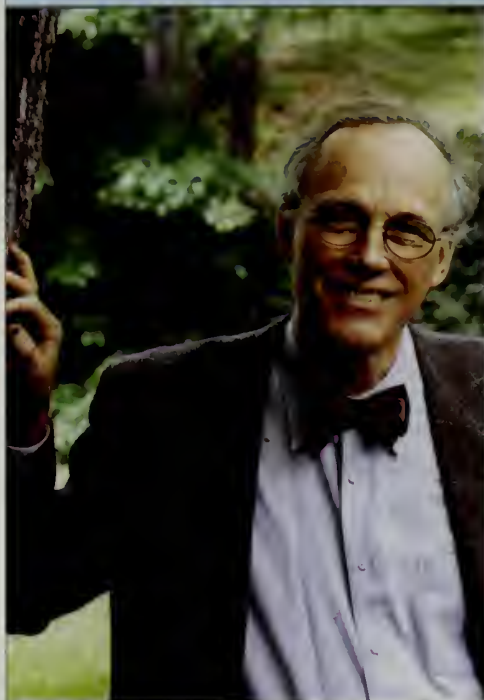
Clason

Western New England College School of Law
Speaker Series

CLASON SPEAKER SERIES 2005-2006

www.law.wnec.edu/clason

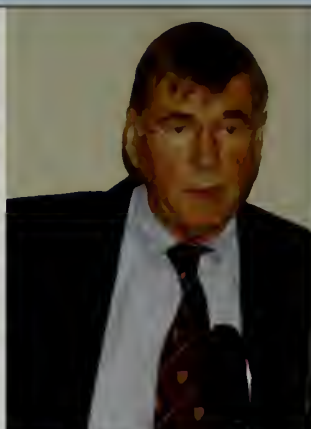
Assistant Professor of Law Jamison Colburn, coordinator of the 2005/06 Clason Speaker Series, invited a diverse group of legal scholars and educators to present at these free public lectures.



Zygmunt J. B. Plater
"Law, Media, and Environmental Policy:
A Fundamental Linkage in Sustainable
Democratic Governance"

Professor Zygmunt J. B. Plater of Boston College Law School has been an advocate for environmental protection and land use regulation for more than 25 years. His February lecture addressed issues such as global warming, endocrine disruptors in food supplies, and the micro level of on-the-ground daily lawyering in litigation and local governance and how attorneys can play a greater role in improving such matters.

He has served as petitioner and lead counsel in the extended endangered species litigation over the Tennessee Valley Authority's Tellico Dam, representing the endangered snail darter, farmers, members of the Cherokee nation, and environmentalists in the Supreme Court of the United States, and before federal agencies and congressional hearings. For two years, he was chairman of the State of Alaska Oil Spill Commission's Legal Task Force following the wreck of the M/V Exxon-Valdez. He was a consultant to plaintiffs in the Woburn toxic litigation, *Anderson et al. v. W.R. Grace et al.*, the subject of the book and movie *A Civil Action*.



Michael Tigar, "The Enemy Combatant Doctrine and the Scope of Executive Power"

In October 2005, Michael E. Tigar, a Research Professor of Law at Washington College of Law at American University, presented a lecture, which focused on the antiterrorism case *Jose Padilla v. Donald Rumsfeld, et al.*, and its implications for civil liberties and human rights in the United States.

Professor Tigar has represented many high profile clients including Angela Davis, H. Rap Brown, John Connally, Kay Bailey Hutchison, the *Washington Post*, Fantasy Films, Terry Nichols, Allen Ginsberg, Leonard Peltier, Fernando Chavez, and Lynne Stewart. The California Attorneys for Criminal Justice held a ballot in 1999 for "Lawyer of the Century." Professor Tigar placed third among such notable figures as Clarence Darrow and Thurgood Marshall.



Tim Casey, "Problem Solving Courts, the Perpetual Reform of the Justice System, and Possibilities for a Better Future"

Tim Casey, an Associate Professor of Law at Case Western Reserve University School of Law in Cleveland, OH, spoke last November about recent developments in problem-solving courts nationally and considerations for the future of such courts.

Most recently, Professor Casey authored "When Good Intentions Are Not Enough: Problem-Solving Courts and the Impending Crisis of Legitimacy" (2004), in the *Southern Methodist University Law Review*, which has led to implementation of improvements in courts across the country.



Patricia A. McCoy, "Predatory Lending: Who's to blame?"

Patricia A. McCoy, a Professor of Law at the University of Connecticut School of Law in Hartford, CT, addressed securitization and predatory lending practices in a January lecture. The lecture was featured in a newscast by the Springfield NBC affiliate WWLP TV-22.

Professor McCoy sits on the Board of Directors of the Insurance Marketplace Standards Association and the Research Advisory Council of the Center for Responsible Lending and was recently re-elected as the chair-elect for 2006 of the Section on Financial Institutions and Consumer Financial Services of the Association of American Law Schools.



Martha Ertman, "New Frontiers in Private Ordering"

A Professor of Law at the University of Utah S.J. Quinney College of Law Martha Ertman is coauthor of *Rethinking Commodification* (NYU Press 2005), a book that challenges us to reexamine the traditional legal question: "To commodify or not to commodify?"

Prior to teaching, Professor Ertman clerked for the Honorable Peter H. Beer, a U.S. judge for the Eastern District of Louisiana, and practiced law in Denver and Seattle before becoming a law professor. Her writing focuses on bridges between commercial law and intimate affiliation, suggesting ways that commercial models can improve family law, as well as feminist and gay/lesbian legal theory.

ALUMNI NOTES *Spring 2006*

Class Agents

are needed for the Classes of 1971, 1972, 1974, 1978, 1980, 1981, 1982, 1995, and 2000. If you are interested in serving as a Class Agent please contact Carol Thompson at cthompson@law.wnec.edu.

Stay in the loop!

Please be sure your Class Agent and the Office of Alumni Relations have your current mailing and email addresses.

REUNION October 14, 2006 for classes 1966, 1971, 1976, 1981, 1986, 1991, 1996, and 2001.

1970

Class Agent Hon. Peter Sokaris email: usapgs@cs.com

1973

Class Agent Walter Powell email: wvp29@aol.com

1975

Class Agent Richard Fortier email: rfortier02@snet.net

1976

30 Years

Class Agent Gary Thomas email: service@wealthtechnologies.com

Robert M. Berliner was recently installed as Judge of the Surrogate's Court for Rockland County, New York.



Hyman G. Darling recently attended the national conference on Special Needs Trusts at Stetson University. Attorney Darling is chairman of the Estate Planning and Elder Law

Departments and a Partner at Bacon & Wilson, P.C., in Springfield, MA. He is an instructor in our LL.M. in Estate Planning and Elder Law program.

Michael Spagnoli retired in June 2003 from the Department of Consumer Protection for the State of Connecticut after 35 years of service. His last position with the State was that of an Administrative Hearings Attorney. Currently, he

is a member of the adjunct faculty at American International College and also teaches at Branford Hall Career Institute. In addition, he is an instructor in the continuing education program for the Independent Electrical Contractors of New England, Inc.

1977

Class Agent Marty Martin email: marty_martin@bellsouth.net

Dana Barrows, Field Director with The Steffen Group of Northwestern Mutual Financial Network, in Springfield, MA, is celebrating his 30th anniversary with the agency.

1979

Class Agents: **Lew Kurland** email: lkurland@khov.com
Andrew Aloe email: andrewaloe@shencoke.com
Anne Geoffrion email: amgeoffrion@prodigy.net
Deborah Grover email: attorneygrover@comcast.net

1980

Timothy P. O'Neil has been named acting general manager for the Town of Manchester, CT.

Peter Pardo has been named Grand Marshal of the 26th annual Fourth of July parade in Madison, CT.

1981

25 Years

Jay M. Elias is a partner in the firm of Ratcliffe, Burke, Harten & Elias, LLP, in Providence, RI.



Lynda Godkin is Chair of the Northside Institutions Neighborhood Alliance (NINA), which has been nationally recognized for its success in helping to improve the area's public safety, housing, and quality of life. In addition to the restoration of Victorian homes, a \$2.2 million project, the alliance is working closely with neighborhood residents and the Hartford Police Department to improve the quality of life for all who live and work in the neighborhood.

Joseph P. Stampone, founder and principal shareholder of Stampone D'Angelo Renzi DiPiero, was knighted in Rome, Italy, as a "Cavaliere di Cristo" with the Templar Order. This high honor is bestowed on those of Italian ancestry who demonstrate loyalty to their Italian heritage while giving back to the community philanthropically.

1982

Stephen J. Varga has joined the law office of Gary A. Friedle in New Britain, CT, as an associate.

Gale D. Candaras, State Representative for the 12 Hampden District in Massachusetts, is a candidate for the State Senate, First Hampden and Hampshire District. Gale is serving her fifth term in the State House of Representatives.

1983

Class Agents **Ellen Teller** email: eteller@frac.org
Maureen Burns email: meh@pellegrinolawfirm.com

1984

Class Agent **Ina Forman** email: aliforman@aol.com

Donna J. Arnold has retired as an Assistant Public Defender and is now an ordained Episcopalian Priest of the Christ Episcopal Church in Ballston Spa, NY.

Joseph P. Curran is the owner of the Curran & Berger law firm in Northampton, MA, where he practices primarily immigration law. He has also started an overseas nurse recruiting business. He has two boys, Pete who is five, and Sam, who is three years of age.

Carl J. DiPiazza has opened his own office in Montville, NJ, where he concentrates his practice in residential and commercial real estate, wills and estate planning, workers' compensation, and municipal court. He is married to Lori, a critical care nurse at Hackensack University Medical Center, and has two children, Sara, age 15, and Jacqueline, age 13.

Jeffrey J. Fleming has retired with the rank of Lieutenant Colonel in the U.S. Army Reserve, but has been employed by the U.S. Army as a civilian attorney since 1995. His wife, Diane, works as Headstart Manager in Manhattan, KS. They have a son, Matt, who attends the University of Nebraska, and a daughter, Kayleen, who is a high school senior.

ALUMNI NOTES

Spring 2006

Where are they now?



Timothy Murray '94
Mayor
Worcester, MA
Democratic Candidate
for Lieutenant Gov.
Massachusetts

Describe your typical day as a candidate for Lieutenant Governor of Massachusetts:

I am busy traveling all over the state meeting with Democratic organizations, along with school leaders and municipal government employees. One day I could be in Pittsfield and the next, Boston. I spend most of my days on the road.

Why did you decide to run for Lieutenant Governor?
I believe that as a proven advocate for the schools and municipal governments in Massachusetts, I can improve the quality of life for our residents and, in turn, stem the two-year trend of the state losing its residents. We are the only state in the country that is experiencing this type of emigration. If I can improve the very essential relationship between people and these groups, the State's overall value will increase, and it will become more attractive to current and prospective residents.

How did the School of Law prepare you for your current position? Obtaining a law degree and then practicing for 10 years in the child court system gave me a great background working with the many legal issues that intersect with governmental policies. It also gave me a solid grounding for the launch of my political endeavors. I am in my third term as the Mayor of Worcester, and the work that I've done to improve the city builds on the experiences from my days as a lawyer.

Who is your most memorable faculty member and why? My experience with all of the faculty and staff at Western New England College was outstanding, from the faculty, to the clerks, to the secretaries. Everyone was pleasant and helpful. However, if I had to pick just one, it would probably be Phil Bouchard. His classes were the most entertaining. He was a practicing attorney, and he would come in with some of the greatest and funniest stories from his real-world experiences.

What is your best Law School memory? Graduation! I was an evening student and working full-time as a substitute teacher. It seemed to take a long time to get to the end of my studies, but I really enjoyed the interesting mix of people in that program. They had very different backgrounds and experiences to bring to the classroom.

Ina A. Forman is currently working for the State of Connecticut Judicial Branch as Counsel to Sentence Review.

Darlene Gerry, our current Law Alumni Association President, is living in Chubbuck, ID, and is Senior Vice President and General Counsel at AMI Semiconductor, Inc.

Nancy L. Hart is currently working as Town Prosecutor for Orchard Park, NY. She is married and has three children: Bridget, 13, Matthew, 11, and Patrick, 9.

Sharon Horne has transitioned from being annuity product tax counsel to a business management position overseeing life and annuity tax reporting functions as Second Vice President of Tax Services at Mass Mutual Financial Group in Enfield, CT. Her daughter, Melissa, has graduated from Carnegie Mellon University with an MBA and is employed by Deutsche Bank in New York City. Her daughter, Jennifer, is completing a retail internship in Nantucket and will be completing her degree in fashion in 2007.

Bruce S. Klein has joined the firm of Shechtman Halperin Savage, LLP, as counsel for the firm's newly established New York office. He will focus on corporate, commercial, and real estate transactions, mergers and acquisitions, and trusts and estates.

J. Mark Mutter is now the Township Clerk for the Township of Dover, NJ.

Hon. Jonathan D. Nichols has become County Judge for the Columbia County Court in Hudson, NY.

Joseph C. Scala is married to Molly McBride, and they have four children: Amanda, Robert, Margaret, and Katherine.

Steven Werbner has retired from the position of General Manager for the Town of Manchester after 28 years, to become Town Manager of Tolland, CT.

1985

Class Agent Pete Steingraber
email: cisco3ack@aol.com

Dennis R. Anti has been chosen as a "Massachusetts Super Lawyer" by *Law and Politics Magazine*. Attorney Anti is a partner in the firm of Morrison Mahoney LLP in Springfield, MA.

Michele Gatto, National Life Executive Vice President Corporate Services and General Counsel, has been elected to the Board of Directors of the Association of Corporate Counsel.

Francis X. Wright Jr. has been elected to the Board of Alderman in Melrose, MA. He serves as Assistant City Solicitor for the City of Somerville, MA, and was recently appointed to the Board of Editors of the City Solicitors and Town Counsel Association. He lives in Melrose, MA, with his wife and two sons.

1986

20 Years

Class Agent Judith Jones email: jonesjh@aetna.com

Jonathan R. Goldsmith has been appointed to the Panel of Chapter 7 Trustees for the western division of the U.S. Bankruptcy Court, Massachusetts District.

Linda M. Tessman has been reappointed chairperson of the Title Standards and Practices Committee of the Rhode Island Bar Association for the 2005-2006 term.

1987

Class Agent Robert Murphy
email: rmurphy@bacon-wilson.com

1988

Class Agents Ann Marie Lancour email: lancourA@staff.abanet.org
Michael Borg email: lawmab@aol.com

Douglas J. Apicella is currently working at Wiggin and Dana in New Haven, CT, as their Law Librarian. He is married and has a two-year-old son.

Dwight E. Austin is Chief in the Legal Assistance Office of the Staff Judge Advocates' Office in Fort Drum, NY.

Hon. Elizabeth A. Bozzuto is Assistant Administrative Judge of Litchfield Superior Court in Litchfield, CT.

Rosemary J. Cooper has received the "Hero Award" from the Massachusetts Association of Court Appointed Attorneys for her efforts as a bar advocate lawyer in Springfield for 20 years.

Louise Croll has accepted a position with the Massachusetts Department of Education as an Education Specialist in the western Massachusetts Office of Program Quality Assurance. She will be closing her law practice after 14 years. She still resides in Longmeadow, MA, with her husband, Dennis, and two children. Her daughter, Elizabeth, is a sophomore at Simmons College and her son, John, is in the third grade.

Michael J. Daly has opened his own law office in Hamden, CT, focusing in the area of bankruptcy. He has raised \$15,000 for the Lance Armstrong Foundation and rode 100 miles as a survivor in the Ride for the Roses in Austin, TX, last October.

Anthony Drago is currently working at his own law firm in Boston, MA.

Kelly P. Hawruk is working at the law office of D'Angelo & D'Angelo in Butler, NJ.

Theresa Leroux is currently working at Mount Holyoke College in South Hadley, MA.

1989

Arlene J. Lotters has opened her new law office in Glens Falls, NY.

Kara McCormack is solo practitioner for her law firm in Haverhill, MA. She has been working primarily in the care and protection field as a court appointed attorney for the past 12 years. She is married and has a seven-year-old son. She writes a legal column for *The Town Common Newspaper*.

Hon. Bryan Meccariello has been elected as Judge of Probate Court in Southington, CT. He resides in Southington with his wife **Shari Bornstein**.

Louis Mountzoures has his own law office in Framingham, MA.

Stuart W. Rapp is currently in solo practice in Osterville, MA.

Philip H. Schnabel is working at Schnabel Law Offices in Chester and Vails Gate, NY.

Todd Spillane is now working as Advisory Compliance Director for AIM Investments in Houston, TX.

Laura A. Tencza is Senior Assistant Prosecutor for Passaic County, NJ, and she has been transferred to the Narcotics Unit. In her spare time she coaches girls' basketball for the Wayne PAL, and is an instructor at Passaic County Police Academy teaching New Jersey law, use of force, search and seizure, and the state court system. She is also the proud aunt of four nieces and one nephew.

Cheryl H. Thornton is living in Troy, NY, with her two children, Sean Patrick and Brigid Colleen.

Claudia S. Weiss has married her law partner, Steven St. Clair. They have been practicing together in Putnam, CT, for the past four years. She has renewed her passion for riding and currently owns five horses.

Joanne V. Yandow is the Hearing Officer at the Department of Public Health for the State of Connecticut. She is married to David and they have four children. They reside in Glastonbury, CT.

Class Agent Jim Baker email: jbaker@wsh-law.com

David Denvir has opened a second law office in Madison, CT, after leaving his position as First Selectman for the Town of Killingworth, CT, which he held for four years. His law practice is limited to litigation, primarily in the areas of divorce and child custody, personal injury, and business claims; as well as Medicaid planning, residential real estate, and criminal defense. He is presently serving as the Chairman of the Board of Directors of MIRMA, the Municipal Interlocal Risk Management Agency; and, as a Director of the Workforce Alliance, a public-private enterprise, created under the Federal Workforce Investment Act to prioritize and facilitate job creation and the filling of employment needs in south central Connecticut.

David Grebber recently joined Metropolitan Life Insurance Company in Boston as Senior Counsel of Advanced Markets.

Sgt. Michael J. Kwederis has been chosen to fill the position of Legal Adviser for the Worcester (MA) Police Department, where he has worked for more than 26 years.

Patricia M. O'Connell and Vivian L. Daigle were married on May 28, 2005 in Springfield, MA.

David Street and his partner, Pam West, have their own law firm and realty business in Springfield, MA. They have recently opened their second office in Monson, MA.

1990

Class Agent Chris Browne email: cameronbrowne@msn.com

Lisa Brodeur-McGan has established her own law firm in Springfield, MA, with a satellite office in Easthampton, MA. The firm will focus on employment law, professional malpractice, police misconduct, municipal liability, insurance, and state and federal civil rights law.

1991

15 Years

*Class Agents Chris Browne email: cameronbrowne@msn.com
George Conway email: attorney@georgeconway.com
Martha Allard email: marthaallard@comcast.net*

Pedro J. Rivera has been selected as this year's "Lawyer on the Fast Track" by *American Lawyer Media-PA*. He currently works for PNC Advisors in Philadelphia, PA.

1992

Class Agent Chris Brown email: cameronbrowne@msn.com

Paul Fetherston has become Chief Administrative Officer for the Town of Canton, CT. Prior to taking this position he was Town Manager for the Town of Newington, CT.

Daniel J. Finnegan has been listed in the 2006 edition of *The Best Lawyers in America* and also named a "Massachusetts Super Lawyer" in *Boston Magazine*.

1993

*Class Agents Holly Lemieux email: hlemieux@lynchlynch.com
Katie Stone Harrington email: bharrington5207@attbi.com*

Debra E. Cohen has joined the law office of Gary A. Friedle in New Britain, CT, as an associate.

Ken Kozik has joined the firm of Holland & Knight as Senior Counsel for the Intellectual Property Law Practice Group. He will work out of the firm's Boston office.

1994

*Class Agents Lisa Bongiovi email: lbongiovi@cantorcolburn.com
Melanie Branham email: melbranham@aol.com*



Mark and Patty Swan announce the birth of their daughter, Payton Elizabeth, on June 5, 2005. She joins big brother, Mack, who is four.

Marwan S. Zubi was recently named as a "Massachusetts Rising Star" by the *Boston Magazine* in the Super Lawyer section. He is currently with the Nicolai Law Group in Springfield, MA.

1996

10 Years

*Class Agents Marie Angelides email: angelides@angelidesandsouth.com
Frances South email: south@angelidesandsouth.com*



Diane C. Fernald has been appointed as a partner in the firm of Morrison Mahoney LLP in Springfield, MA, where she will be part of the Health

Care Practice Group. In addition to her law background, she has over 15 years of experience in the healthcare field. She will concentrate her practice in health law, regulatory compliance, and defense of medical malpractice claims.

Helen Flaherty is currently Chief of Staff and General Counsel of the Office of Senator Richard T. Moore (MA).

Michael J. Grilli has joined the law firm of Bacon & Wilson, P.C. in Springfield, MA, where he will focus on residential real estate, divorce and family law, and personal bankruptcy. He lives in Southwick, MA, with his wife and two children.

Richard T. O'Connor has been named legal counsel at the Holyoke Medical Center in Holyoke, MA. In addition to his new position, he also works as administrator at Valley Neurosurgical Associates while maintaining his private practice in Springfield, MA.



Howard Steinman and his wife announce the birth of their son, Andrew Mark, born September 5, 2005.

Robert Tukey has been elected as a Director in the law firm of Suisman Shapiro in New London, CT, where he practices personal injury, marital, and real estate law.

ALUMNI NOTES

Spring 2006

Where are they now?



Keshia Espinal '00
Assistant District
Attorney
Queens County
Queens, NY

What is the best part of being a prosecutor? I like trial work and love being in the courtroom. I always wanted to be a lawyer, but I originally wanted to be a defense attorney. One of my internships was at the U.S. Defense Attorney's Office. I came to realize that prosecutors actually have more power to "fight the good fight" in deciding what crime to charge a person with and get the best deal for them. That's especially important in cases involving teenagers.

Your courthouse is the fictional setting of the court in *Law and Order*. What advice would you give to the writers to make the court scenes more realistic? Persuading a jury to vote "guilty" is much harder to do in reality than what appears on TV. People have the expectation of what a trial will be like from what they see on TV, and it's nothing like it. You never have all the evidence they have on TV—*CSI* is a real killer for us. People expect you to always have forensic evidence, what they don't understand is that you may have the defendant's fingerprints in a burglary, but there may be another explanation as to why they are at the crime scene.

Also, on TV all lawyers are good lawyers. Sometimes the defense attorney is not always up to the challenge, and you have to do the work of both sides to make sure that a guilty conviction sticks and isn't overturned in appeal. I'd always rather face an attorney who is better than me.

Describe a typical day at work: There is no such thing as a typical day. You can plan all you want, but by 9:01 everything changes. I'm on-call and have a pager 24-7. You never know when you might get called to file a motion and argue it in 10 minutes, appear before a grand jury, or speak to a victim who has popped into the office unexpectedly.

How did the School of Law prepare you for your present position? In reality nothing can. I guess my experience on the trial team taught me the basics and the confidence to stand up there in court. Professor Egnal made us practice that day in and day out. We also learned how to argue with judges and the importance of knowing the rules of evidence.

Most important academic lessons learned: The first is to always be ethical. Losing your license or your job is not worth any case.

The second is simply to return phone calls—that is one of the most important things to do in this job. You can get a bad reputation instantly, but it takes a long time to take one away.

Most memorable member of the faculty and why: There were so many—I just loved my time there. There's Professor Egnal who I still call "Papa John." I have memories of just hanging out in the hall with Prof. Miller, and the day I wore a Yankees t-shirt to Prof. Royal's class, the support of Prof. Goldstein, and the insightful lessons of Catherine Jones and Dan Lathery.

1997

Class Agent
Michael Blanchard email:
michael.blanchard@bingham.com

Robert K. Fowler, President and Chairman of the Board of Hampden Papers, Inc., has received the Human Relations Award from the Council for Human Understanding. The council's goal is to improve the quality of human development in the greater Holyoke community.

Kristine R. Jones has relocated to Connecticut where she is currently working at the law firm of Morrison Mahoney LLP in Hartford, CT.



Koren Harris, Julia Staunton, Preeti Singh, Angela Nunez and Kristine Jones (above) gathered at a baby shower for Preeti Singh who recently gave birth to a baby girl.

1998

Class Agent Darlene Massery email:
darlenemassery@hotmail.com

Kevin C. Bopp has recently opened his own law office in Williamstown, MA, specializing in estate planning and administration and real estate law, including elder law, probate, and Medicaid. He currently resides in Pownal, VT, with his wife, Paula, and son, Jasper.

Nathan A. Byrnes has been appointed as the First Assistant Clerk Magistrate of the Westfield District Court in Westfield, MA.

1999

Class Agent Rebecca Proakis email:
rproakis@nagc.org

Heather Beattie is a member of the Health Care Practice Group at the law

firm of Morrison Mahoney LLP in Springfield, MA.

John J. O'Neill has been sworn in as Ward 7 Councilor for the City of Holyoke, MA.

Peter J. Siciliano and Taryn M. Markham exchanged wedding vows July 9, 2005 in a ceremony at St. Anthony's Church in Springfield, MA.

2000

Michael Cruz has opened his own law office in Rocky Hill, CT, focusing in the practice of negligence, litigation, housing, real estate, general practice, and probate.

Jeremy C. Johnson and **Amy C. Smith '01** were married October 8, 2004, in a ceremony in the chapel at Wilbraham and Monson Academy in Wilbraham, MA.

Todd A. McGee has joined the firm of Bacon & Wilson, P.C. in Springfield, MA, where he will focus on sophisticated estate planning issues, in addition to the areas of guardianship, conservatorship, and residential real estate.



Frank P. Wittmann announces the birth of his daughter, **Eva Clair Reeves Wittmann**, born October 28, 2005.

2001

5 Years

Class Agents Michele Morris email:
mmorris13@hotmail.com
Matt Massengill email:
mmassengilllaw@comcast.net

Michael I. Montembeau has joined the firm of Smith, Elliott, Smith, and Garmey, P.A., in their Saco, ME, office as an associate.

Royce Saalfeld is a program attorney for the Fourth Judicial Circuit Guardian Ad Litem Program located in Jacksonville, FL. Prior to accepting this position Attorney Saalfeld served as an Assistant Public Defender for the Fourth Judicial Circuit. Royce Saalfeld

is currently pursuing a Master in Business Administration while continuing to advocate for the environment in his community.

Amy C. Smith and Jeremy C. Johnson '00 were married October 8, 2004 in a ceremony in the chapel at Wilbraham & Monson Academy in Wilbraham, MA.

Debra Dreibelbis Thurley currently resides in State College, PA, and is an academic advisor for Pennsylvania State University. Debra and her husband, Jonathan, have one son, Graham Thurley.

2002

*Class Agents Lori Leavitt email: legallylori@aol.com
Gregory Lenetis email: glenetis@usadatanet.net*

2003

*Class Agents Anderson Theodore email: a_theodorejd@yahoo.com
Karen Romano email: karen161@msn.com
Richard Gray email: rgray9@hotmail.com
Jennifer Cunningham email: jbcunning@comcast.net*

Seth Bostock has located his law office in Sandown, NH, and is shown here with Supreme Court Justice David Souter at a recent New Hampshire Supreme Court event.

Sabrina DiMauro has received her elementary education certification and has been hired as a second grade teacher in the Cheshire Public Schools in Cheshire, CT.

Karen M. Romano has relocated to Arkansas where she is working for the Head Start Program focusing on compliance work with regard to

safety, facilities, and transportation. She will also be teaching a class in the paralegal studies program at the University of Arkansas.

2004

Class Agent Linda Fakhoury email: fakhourylaw@aol.com

Courtney A. Almeida has opened her own law office in Danbury, CT, where she will focus on bankruptcy law.

Rose Cheever has been appointed as the first female detective in the history of the Swampscott Police Department, in Swampscott, MA, where she has been serving for the past five years.

Karen Eaton Ferrell has joined the firm of Martinelli, Disenza & Hannigan, P.C. as an associate. She will practice in the areas of estate planning, real estate development, and finance law.

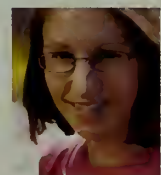
Christopher F. Girard has completed his clerkship at the Connecticut Appellate Court and has been hired as an associate at the firm of Robinson & Cole in Hartford, CT.

Kevin J. Kelley has opened his law office in Ware, MA, where he will focus his practice in the areas of juvenile delinquency, child welfare law, education law, criminal law, and health law.

Brenda Oppermann has arrived in Baghdad to serve as the new Chief of Party for the U.S. Institute of Peace (USIP). The USIP is a nonpartisan think tank based in Washington, DC, that focuses on mitigating conflict. She has committed to staying for at least one year.

2005

*Class Agents Sara Micflikier email: saramicflikier@hotmail.com
Kelley Cooper Miller email: kellycooper@yahoo.com*



Robyn C. Abbate has recently joined the law firm of Halloran & Sage, LLP, in its Hartford office. She is a

member of the firm's Business and Commercial Law Practice Group, and a former summer associate of the firm.

Caitlin Brady, along with her husband Bill, and son, Aidan Patrick, have moved to Pooler, GA, where Caitlin is practicing with a real estate firm.

Patrick Doyle has begun his LL.M. in Taxation at Northwestern University School of Law in Chicago, IL.

Ryan McKeen has joined the firm of Leone, Throwe, Teller & Nagle in East Hartford, CT, as an associate.



Kelley Cooper Miller (second from left) began her LL.M. in Taxation at Georgetown University Law Center in Washington, DC, where she has also been working in the Tax Practice Group of a DC firm. Kelley also competed in the American Bar Association Tax Section 2005 Law Student Tax Challenge, where she was awarded first place in the LL.M. division, for "Best Written Submission" in this national competition. Kelley was coached for this challenge by Frederick D. Royal, professor, Western New England College School of Law. Kelley will begin a two-year Federal clerkship on the United States Tax Court in Washington, DC, in May 2006.

Monica Ribeiro and Michael Mertzic were married on October 22, 2005, and reside in Ludlow, MA, where Monica is in practice.



Stephanie Tao has settled in Ireland after completing her European tour last summer. She is currently

working with a Solicitor where she is learning Irish law.

Keith Strohl has been admitted to the Pennsylvania Bar and is currently employed as an associate in the firm of Steckel & Stopp in Slatington, PA.

Melissa Wakeman has relocated to Oregon where she has successfully passed the bar.

IN MEMORIAM

The magazine has received notice of the deaths of the following members of the Law School family.

Carol Ann C'Miel '84 passed away on December 11, 2005. She leaves her husband, George J. C'Miel; and her two sons, Jason and Craig C'Miel.

Thomas E. Coyle '86 passed away on December 19, 2004.

Joseph T. Dolan '77 passed away on August 16, 2005. He leaves his wife, AnnMarie Dolan, of Suffield, CT.

Harvey B. Gruskin '60 passed away January 19, 2003.

Brian T. Hart '80 passed away September 19, 2002. He leaves his wife, Susan Hart.

Philip K. Kimball '41 passed away September 5, 2005. He is survived by his wife, Florence Kimball, of Longmeadow, MA.

Geri Laventis '83 passed away December 17, 2005. She is survived by her daughter, Katharine Laventis, of Florence, MA; and two sisters, Tina Merante, of Danbury, CT, and Joanne Carpenter, of Southwest Harbor, ME.

John von Mehren '88 passed away August 3, 2005. He leaves his daughter, Jessica, and her husband, Brian W. Abbott Jr.

Frank Satta '70 passed away September 21, 2005. He leaves his wife, Claire Satta, of Alexandria, VA.

Rosemary Sprague '69 passed away November 12, 2005.

Elizabeth E. Zielinski '40 passed away December 31, 2005. She is survived by her son, Peter Zielinski of Orange, MA.

Send your Alumni Notes to:

*Carol Thompson, Office of Law Alumni Relations,
Western New England College School of Law,
1215 Wilbraham Road, Springfield, MA 01119-
2684 or email cthompson@law.wnec.edu.*

Alumni Benefits and Services

As an alumnus/a of Western New England College School of Law, the following benefits and services are available to you:



Networking with Other Alums

Networking opportunities for alumni include the Alumni Receptions hosted by the School of Law at various locations around the country, reunions, the Dinner for Students and Alums of Color, and the Faculty/Alumni Book Discussion Group.

The Law Alumni Association is branching out and would like your support and ideas in expanding our alumni chapters. We are currently in the process of forming chapters in Florida; Washington, DC; Boston; and Springfield. To participate, please contact the Office of Law Alumni Relations at 413-782-1311.

The Alumni Healthful Living Center (AHLIC)

Law alumni are welcome to use the world-class facilities of the AHLIC free of charge. Popular amenities include the fitness center, pool, and track. For details, call 413-782-1518.



Alumni Association ID Card

The Alumni Association ID provides access to campus resources including the Law Library and the Alumni Healthful Living Center. For details, call 413-782-1311 or email cthompson@law.wnec.edu.

Transcript Requests

Law transcripts are issued by the Student Records Office at the School of Law. There is no charge for this service. For more information, call the Student Records Office at 413-782-1401 or visit www.law.wnec.edu/alumni.

Replacing a Diploma

If your diploma is lost or damaged, you can replace it by calling Student Administrative Services at 800-325-1122 ext. 2080 (A \$30 service fee is required.)



Insurance Discounts

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Alumni Finder and Alumni Website

Use our website to receive news from the School, access library resources, or find other Western New England College School of Law alums through our "Alumni Finder" feature. Visit www.law.wnec.edu/alumni.

Course Auditing

Courses in the School of Law may be audited on a space-available basis with the permission of the Associate Dean for Academic Affairs by an alumnus/a who has completed the J.D. degree at Western New England College School of Law. For details, call 413-782-1262 or visit www.law.wnec.edu/alumni.

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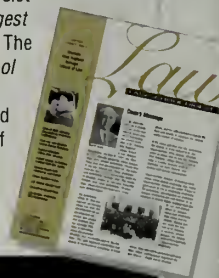
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SPRING 2006

PERSPECTIVES

Perspectives is a publication of Western New England College School of Law.

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UPCOMING EVENTS SPRING

APRIL 2006

- 7 Barristers Ball, MassMutual Center, 6:30 p.m.
- 8 Admissions First Year Preview, 10:00 a.m.-3:00 p.m. Law School Lobby
- 18 Massachusetts Appeals Court Moot Court Room, 9:00 a.m.
- 20 Dean's Award Tea 4:00-6:30 p.m.
- 25 Law and Business Center Speaker: Laura Gordon, CPA "Building Business from a Base of Strength" Law School Lobby, 5:30 p.m.

MAY 2006

- 2 NYC Reception at Skadden Arps Slate Meagher Flom 6:00-8:00 p.m.
- 7 Red Sox vs. Baltimore Game 2:05 p.m.
- 15 MassBar CLE "Melanie's Law," Room C 4:00-7:00 p.m.
- 18 Dial-A-Lawyer
- 20 Commencement MassMutual Center 9:30 a.m.

JUNE 2006

- 10 Red Sox vs. Texas Game 7:05 p.m.
- 15 Law and Business Center for Advancing Entrepreneurship Extreme Business Makeover

JULY 2006

- 25 Tanglewood on Parade 2:30-11:00 p.m.

OCTOBER 2006

- 14 Reunion

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